

Die Sabbati 9^o Maij,

Anno Domini, 1685.

IN

BANCO REGIS.

Dominus Rex versus Oates.

THIS Day being appointed for the Tryal of the Other of the Causes between our Sovereign Lord the King, and *Titus Oates*, for Perjury: The same began about Nine in the Morning, and proceeded after this manner:

First, Proclamation was made for Silence: Then the Defendant was called; who, appearing in Person, was advised to look to his Challenges: But he challeng'd none; only he desir'd, that they might be all ask'd, Whether they were of the *Grand Jury*, that found the Bill? which was done: And all denying it, the Twelve sworn were these:

Sir Thomas Vernon, Knight.
Nicholas Charleton, Esq;
Thomas Langham, Esq;
Thomas Hartop.
Francis Griffith.
John Kent.

Jurors.

George Toriano.
Henry Loades.
John Midgley.
John Pelling.
Thomas Short. And,
George Peck.

Clerk of the Crown. Gentlemen, You that are sworn; Harken to the Record.

Memorandum, That by a certain Inquisition for our Sovereign Lord the King, at the Guild-Hall of the City of London, and within the same City, on Tuesday the 28th of October, in the 36th year of the Reign of our Late Sovereign Lord Charles the Second, By the Grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, &c. before Sir Henry Tulse, Knight, Mayor of the City of London; Sir William Turner, Knight; and Sir James Edwards, Knight; Aldermen of the said City; Sir Thomas Jenner, Knight, one of His Majesties Serjeants at Law, and Recorder of the same City; Sir Robert Jeffries, Knight; and Sir John Peake, Knight, other Aldermen of the said City; and others their Companions, Justices of our said Lord the King; by His Majesties Letters Patents under the Great Seal of England, to Enquire of several Offences in the said Letters Patents Contain'd, and to hear and determine the same, according to the Laws and Customs of this Kingdom, by the Oaths of 12 Jurors, Honest and Lawfull Men of the City of London, aforesaid,

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faid; Who then and there being then and there Sworn, and Charged to Enquire for our said Sovereign Lord the King, and the Body of the said City, upon their Oaths, present:

That at a certain Session of our said Lord the King, holden for the County of *Middlesex*, at *Hicks's-Hall* in *St. Johns Street*, in the County aforesaid; on *Monday*, (to wit) the 16th. day of *December*, in the year of the Reign of our said late Sovereign Lord, *Charles the Second*, by the Grace of God, of *England, Scotland, France and Ireland*, King, Defender of the Faith, &c. the 30th. before *Sir Reginald Forster*, Baronet; *Sir Philip Mathews*, Baronet; *Sir William Bowles*, Knight; *Sir Charles Pittfield*, Knight; *Thomas Robinson*, *Umphrey Wyrley*, *Thomas Harriot*, and *William Hempson*, Esquires; Justices of our said Lord the King; to enquire by the Oaths of Honest and Lawfull Men, of the County of *Middlesex*, aforesaid; and by other wayes, manners, and means, whereby they might, or could better know, as well within Liberties as without; by whom the Truth of the Matter might be better known, and enquir'd of, concerning all Treasons and Misprisions of Treasons, Insurrections, Rebellions, Counterfeittings, Clippings, Washings, False making, and other Falsifying of the Moneys of this Kingdom of *England*; and of any other Kingdoms, and Dominions whatsoever; and of all Murthers, Felonies, Man-slaughters, Killings, Burglaries, and other Articles and Offences in the *Letters Patentes*, of our said Lord the King, to them, or any four or more of them, thereupon directed specified: As also, the accessories of the same, within the County aforesaid, as well within Liberties as without, by whomsoever, howsoever had Made, Done, or Committed, and to hear and determine the same Treasons, and other the Premisses, according to the Law, and Custom of this Kingdom of *England*, assigned by the Oaths of *Ralph Wain*, *John Vaughan*, *Richard Foster*, *Thomas Paget*, *Robert Newington*, *Henry Tompkins*, *Robert Hayes*, *John Greenwood*, *Peter Stinyeson*, *Josiah Richard Richman*, *Augustine Bear*, *John King*, *Nathanael Brit*, *Francis Fisher*, *Edward Foster*, and *Samuel Lynn*; Honest and Lawfull Men of the County aforesaid, sworn, and Charg'd to Enquire for our said Lord the King, and the Body of the County aforesaid, Upon their Oaths; it was presented, That *Thomas White*, otherwise *Whitebread*, late of the Parish of *St. Giles's in the Fields*, in the County of *Middlesex*, Clerk; *William Ireland*, late of the Parish aforesaid, in the County aforesaid, Clerk; *John Fenwick*, late of the same Parish and County, Clerk; *Thomas Pickering*, late of the Parish aforesaid, in the County aforesaid, Clerk, and *John Grove*, late of the Parish aforesaid, in the County aforesaid, Gentleman: As false Traytors against the most Illustrious, and most Serene, and Excellent Prince, our said late Sovereign Lord, *Charles the Second*, by the Grace of God, of *England, Scotland, France and Ireland*, King, Defender of the Faith, &c. their Supream and Natural Lord; not having the Fear of the Lord in their Hearts, nor weighing the Duty of their Allegiance; but being moved and seduced by the Instigation of the Devil, the Cordial Love, and true, due, and Natural Obedience, which True and Faithful Subjects of our said Lord the King, towards him our said Lord the King, should, and of right ought to bear; utterly withdrawing and contriving, and, with all their might, intending the Peace and common Tranquillity of this Kingdom of *England*, to disturb; and the true Worship of God, within this Kingdom of *England*, used, and by Law Established, to subvert; and Sedition and Rebellion within this Kingdom of *England*, to move, stir, and procure; and the Cordial Love, and true and due Obedience, with true and faithful Subjects of our said Lord the King, towards him the said Lord the King, should and of right ought to bear, utterly to withdraw, put out, and extinguish; and our said Sovereign Lord the King, to Death and final Destruction, to bring, and put, the 24th. of *April*, in the 30th. Year of the Reign of our said late Sovereign Lord, *Charles the Second*, at the Parish of *St. Giles's in the Fields* aforesaid, in the County of *Middlesex* aforesaid; falsly, maliciously, subtilly, advisedly, and trayterously, did purpose, compass, imagine, and intend Sedition and Rebellion within this Kingdom of *England* to move, stir up, and procure, and a miserable Slaughter amongst the Subjects of our said Sovereign Lord the King; to procure and cause; and our said Lord the King, from the Regal State, Title, Power, and Government of his Kingdom of *England*, wholly to deprive, depose, cast down, and disinherit; and him our said Lord the King to Death, and final Destruction, to bring and put; and the Government of the said Kingdom, and the sincere Religion of God, in the same Kingdom, rightly, and by the Laws of

of the same Kingdom Established, at their Will and Pleasure to change and alter; and the State of this whole Kingdom of *England*, through all its Parts, well Instituted and Ordained, wholly to subvert and destroy, and War against our said Lord the King, within this Kingdom of *England*, to Levy.

And to compleat, and perfect the same their most wicked Treasons and Trayterous Imaginations, and purposes aforesaid; they, the aforesaid *Thomas White*, otherwise *Whitebread*, *William Ireland*, *John Fenwick*, *Thomas Pickering*, and *John Grove*, and other false Traytors, to the Jurors unknown, the aforesaid 24th. day of *April*, in the 30th. Year aforesaid, with Force and Arms, &c. at the Parish of *St. Giles* in the *Fields* aforesaid, in the County of *Middlesex* aforesaid; Falsely, Maliciously, Subtilly, Advisedly, Devillishly and Traiterously did Assemble themselves, Unite, and Congregate; and then and there falsly, maliciously, subtilly, advisedly, devillishly, and traiterously did Consult and Agree, our said Sovereign Lord the King, to Death, and final Destruction to bring, and put, and the Religion within this Kingdom of *England*, rightly, and by the Laws of the same Kingdom establisht, to the Superstition of the *Romish Church*, to change and alter: And the sooner to compleat and perfect the same their most Wicked Treasons, and Trayterous Imaginations, and purposes aforesaid, the said *Thomas White*, otherwise *Whitebread*, *William Ireland*, *John Fenwick*, *Thomas Pickering*, and *John Grove*, and other false Traytors of our said late Lord the King, to the Jurors unknown; afterwards to (to wit) the same 24th. day of *April*, in the 30th. Year aforesaid, at the aforesaid Parish of *St. Giles* in the *Fields*, in the County of *Middlesex* aforesaid, Falsely, Subtilly, Advisedly, Maliciously, Devillishly and Trayterously between themselves, did conclude and agree, That they the said, *Thomas Pickering* and *John Grove*, Him our said late Lord the King should Kill and Murder; and that they the said *Thomas White*, otherwise *Whitebread*, *William Ireland*, *John Fenwick* and others, false Traytors, to the Jurors unknown, a certain number of Masses, between them then and there agreed, for the health of the Soul of him the said *Thomas Pickering*, therefore should say, celebrate and perform; and therefore should pay unto the said *John Grove* a certain Sum of Money between them then and there agreed.

And the Jurors aforesaid, upon their Oaths aforesaid, did further present: That the said *Thomas Pickering*, and *John Grove*, upon the agreement aforesaid, then and there falsely, subtilly, advisedly, maliciously, devillishly, and trayterously did take upon themselves, and to the same *Thomas White*, otherwise *Whitebread*, *William Ireland*, *John Fenwick*, and other false Traytors, against our said Lord the King, to the Jurors aforesaid unknown, then and there falsely, subtilly, advisedly, maliciously, Devillishly, and Trayterously did promise that they the said, *Thomas Pickering*, and *John Grove*, him our said late Lord the King would Kill and Murder: And that they, the said *Thomas White*, otherwise *Whitebread*, *William Ireland*, *John Fenwick*, *Thomas Pickering*, *John Grove*, and other false Traytors against our said Lord the King, unknown; afterwards (to wit) the same 24th. day of *April*, in the 30th. Year aforesaid, at the aforesaid Parish of *St. Giles* in the *Fields*, in the County of *Middlesex*, aforesaid; falsely, subtilly, advisedly, maliciously, devillishly, and trayterously, did give their faith each to other; and upon the Sacrament then and there Trayterously did swear, and promise to Conceal, and not to divulge their said most wicked Treasons, and Trayterous Compassings, Consultations and Purposes, so between them had, him our said late Lord the King, Trayterously to kill and murder, and the *Romish Religion* within this Kingdom of *England* to be used to Introduce, and the true Reformed Religion within this Kingdom of *England* rightly, and by the Laws of the said Kingdom Establisht, to alter and change: And that the said, *Thomas Pickering* and *John Grove*, in Execution of the Trayterous agreement aforesaid, afterwards (to wit) the same 24th. day of *April*, in the 30th. year aforesaid, and diverse days, and times after, at the aforesaid Parish of *St. Giles* in the *Fields*, in the County aforesaid; Muskets, Pistols, Swords, Daggers, and other offensive and Cruel Weapons, him the said late Lord the King to kill and murder; falsely, subtilly, advisedly, maliciously, devillishly and trayterously did prepare and obtain, had and kept for themselves; and that they the said *Thomas Pickering*, and *John Grove*, afterwards (to wit) the same 24th. day of *April*, in the 30th. year aforesaid, and diverse days and times after, with Force and Arms, &c. at the Parish aforesaid, in the County of *Middlesex* aforesaid, and in other places within the County of *Middlesex* aforesaid, falsely, subtilly, advisedly, maliciously, devillishly and trayterously did lye in wait and endeavour our said late Lord the King Trayterously to kill and murder; and that the said

Thomas White otherwise *Whitebread*, *William Ireland*, *John Fekwick*, and other false Traytours to the Jurors aforesaid unknown, afterwards (to wit) the same 24th. day of *April*, in the 30th. year aforesaid at the Parish aforesaid in the County of *Middlesex* aforesaid, falsely, subtly, advisedly, maliciously and Trayterously did prepare, persuade, excite, abate, Comfort and Counsel four other persons to the Jurors unknown, and Subjects of our said Lord the King, him our said late Lord the King Trayterously to kill, and murder, against the duty of their Allegiance, against the peace of our said Lord the King his Crown and dignity, and against the forme of the Statute, in such Case made and provided; and thereupon, it was so far proceeded, that afterwards, at the Court of Goal-delivery, of our said Lord the King, at *Newgate*, at *Justice Hall* in the *Old Bayly*, in the Suburbs of the City of *London*, in the parish of *St. Sepulchre*, in the Ward of *Faringdon without*, *London*; the 17th. day of *December*, in the 30th. Year aforesaid; before the Justices of the said Lord the King, of the same Goal-delivery; then and there held, by Adjournment of the County of *Middlesex* aforesaid, came the said *William Ireland*, *Thomas Pickering*, and *John Grove*, under the Custody of *Sir Richard How*, Knight; and *Sir John Chapman*, Knight, Sheriff of the County of *Middlesex* aforesaid; into whose Custody, for the Cause aforesaid, they were before committed: Being brought to the Bar there, in their proper Persons; and presently being severally asked concerning the Premises above Charged upon them, how they would acquit themselves; the aforesaid *William Ireland*, *Thomas Pickering*, and *John Grove*, did severally say, *That they were not thereof Guilty*; and for the same, for good and bad, they did severally put themselves upon the Country; and by a certain Jury of the Country, in that behalf duly Impannelled; Sworn and Charged then and there in the same Court, before the Justices of Goal-delivery aforesaid, were tryed; and that upon that Tryal, between our said late Lord the King, and the said *William Ireland*, *Thomas Pickering*, and *John Grove* at *London* aforesaid; to wit, at the *Justice-Hall* in the *Old-Baily*, aforesaid; in the Parish of *St. Sepulchre*, in the Ward of *Faringdon without* *London* aforesaid; The Defendant (*Titus Oates*) late of the Parish of *St. Sepulchre* aforesaid, in the Ward aforesaid Clerk, was produced as a Witness, on the part of the said late Lord the King, upon the Tryal aforesaid; and before the said Justices of Goal-Delivery, in the Court aforesaid, then & there held, upon the *Holy Gospels of God*, was duly sworn to speak and testify the Truth, the whole Truth, and nothing but the Truth, of, and in the Premises between our said Lord the King, and the said *William Ireland*, *Thomas Pickering*, and *John Grove*: And that the said *Titus Oates* then and there, in the Court of Goal Delivery aforesaid, upon his Oath aforesaid, upon the Indictment aforesaid, at the Parish and Ward aforesaid, by his own proper Act and Consent of his most wicked Mind, falsly, voluntarily, and corruptly, did say, depose, swear, and give in Evidence to the Jurors of the Jury aforesaid, then and there sworn and Empannelled to try the Issue aforesaid between our said late Lord the King, and the said *William Ireland*, *Thomas Pickering*, and *John Grove*; That the said *William Ireland*, in the Indictment aforesaid, mentioned, was in Town (within the Cities of *London* and *Westminster*, or the places adjacent to the said Cities, meaning) upon the first or second day of *September*, in the Year 1678. Whereas, in Truth and indeed, the said *William Ireland*, in the Indictment aforesaid, mentioned, was not in Town, nor within the Cities of *London* or *Westminster*, or the Places adjacent to the same Cities; or either of them, upon the first or second day of *September*, in the Year 1678. And so the aforesaid *Titus Oates*, the aforesaid seventeenth day of *December*, in the Thirtieth Year aforesaid, at the *Justice-Hall* aforesaid, in the Court aforesaid, upon the Trial aforesaid, upon the Indictment aforesaid, between our said late Lord the King, and the aforesaid *William Ireland*, *Thomas Pickering*, and *John Grove*, so as aforesaid had, by his own Act and Consent, and of his most wicked mind, falsely, voluntarily, and corruptly, in manner and form aforesaid, did Commit Voluntary, and Corrupt Perjury.

And the Jurors aforesaid, last sworn to enquire for our said Lord the King; and the body of the City of *London* aforesaid, upon their Oathes aforesaid, doe further present, *That* at another Session of our said late Lord the King, held for the County of *Middlesex*, at *Hickes's Hall* in *St. Johns street*, in the County aforesaid, on *Thursday* (to wit) the 12th. day of *June*, in the 31st. year of our said late Lord King *Charles the second*, before *Sir Phillip Mathews*, Baronet; *Sir Thomas Orby*, Knight and Barronet; *Sir William Pulteney*, Knight; *Sir William Bowles*, Knight; *Thomas Robinson*, *Thomas Harriot*, Esquires; and others their Companions, by Letters Patents of our said

said late Lord the King, to the same Justices aforementioned, and others; and to any four or more of them, under the *Great Seal* of our said late Lord the King, made to enquire, by the Oaths of good and Lawful Men, of the County of *Middlesex* aforesaid, and by all other wayes, manners, and means, by which they might or could better know, as well within Liberties as without; by whom the truth of the matter might be best known and enquired, of all Treasons, Misprisions of Treason, Insurrections, Rebellions, Counterfeittings, Clippings, Washings, False-making, & other Falsifyings of the Mony of this Kingdom of *England*, and of other Kingdoms & Dominions whatsoever; & of all Murders, Felonies, Man-slaughters, Killings, Burglaries, Rapes, Meetings and unlawful Conventicles; Speakings of Words, Combinations, Misprisions, Confederacies, false Allegations, Trespasses, Riots, Routs, Retainers, Escapes, Contempts, Oppressions; and of other Articles and Offences in the same *Letters Patents* of our said Lord the King, specified; As also, the Accessories of the same, within the County aforesaid, as well within Liberties as without, by whomsoever & howsoever had, done, perpetrated or committed; & of other Articles & Circumstances concerning the Premises howsoever; and the same Treasons, and other the Premises, to hear and determine according to the Law and Custom of this Kingdom of *England*; being assign'd by the Oaths of *Henry Ashurst*, Esquire, *Edward Gavell*, *John Radford*, *John Warral*, *William Hanmar*, *Robert Pritchard*, *John Tredder*, *Gilbert Ureweyn*, *David Collivex*, *Abraham Harrison*, *Charles Morgan*, *Philip Trehearn*, *John Collier*, *Robert Whiterod*, *William Webb*, *Thomas Edwards* and *Abraham Tillent*; honest and lawful Men, of the County aforesaid, Sworn and Charged to enquire for our said Lord the King, and the Body of the County aforesaid; upon their Oaths, it was presented, That *Thomas White*, late of the Parish of *St. Giles* in the *Fields*, in the County of *Middlesex*, Clerk, otherwise called *Thomas Whitebread*, late of the Parish aforesaid, in the County aforesaid, Clerk; *John Fenwick*, late of the Parish aforesaid, in the County aforesaid, Clerk; *William Harcourt*, late of the Parish aforesaid, in the County aforesaid, Clerk, otherwise called *William Harrison*, late of the Parish aforesaid, in the County aforesaid, Clerk; *John Gaven*, late of the Parish aforesaid, in the County aforesaid, Clerk; and *James Corker*, late of the Parish aforesaid, in the County aforesaid, Clerk; as false Traytors against the most Illustrious, most Serene and Excellent Prince, our late Sovereign Lord King *Charles* the Second, by the Grace of God, of *England*, *Scotland*, *France* and *Ireland*, King; Defender of the Faith, &c. Their Supreme and Natural Lord; not having the fear of God in their Hearts, nor weighing the duty of their Allegiance; but being moved, and seduced by the Instigation of the Devil, the Cordial Love, the true, due, and Natural Obedience, which true and faithful Subjects of our said Lord the King, towards him, our said Lord the King, should, and of right ought to bear; wholly withdrawing, and contriving, and withall their might, intending the Peace and common Tranquillity of this Kingdom of *England* to disturb; and the true Worship of God within this Kingdom of *England* used, and by Law established, to overthrow; and the Government of this Kingdom of *England*, to Subvert, and Sedition and Rebellion within this Kingdom of *England*, to move, stir up, and procure; and the Cordial Love, and true, and due Obedience, which true and Faithful Subjects of our Lord the King, towards him the said Lord the King, should, and of right ought to bear, utterly to withdraw, put out, and extinguish; and our said late Lord the King to death and final destruction to bring, and put, the 24th. day of *April*, in the 30th. Year of the Reign of our said late Lord King *Charles* the Second, &c. at the Parish of *St. Giles* in the *Fields*, in the County of *Middlesex* aforesaid, with diverse others false Traytors against our said late Lord the King, to the Jurors aforesaid unknown, fallly, subtilly, advisedly, maliciously and trayterously did purpose, compass, imagine, and intend Sedition and Rebellion within this Kingdom of *England* to move, stir up and procure, and a miserable slaughter among the Subjects of our said Lord the King to procure, and cause; and our said late Lord the King, from the Regal State, Title, Power and Government of his Kingdom of *England*, utterly to deprive, depose, cast down, and disinherit; and him our said late Lord the King to Death, and final Destruction to bring, and put; and the Government of the same Kingdom, and the sincere Religion of God in the same Kingdom, rightly and by the Laws of the said Kingdom Established, at their Will and Pleasure to change and alter; and the State of this whole Kingdom of *England*, through all its parts well instituted and ordered, wholly to subvert, and destroy; and War, against our late Lord the King, within this Kingdom of *England*, to levy: And to perfect and compleat the same, their most wicked

Treasons and Trayterous Imaginations, and purposes; They the said *Thomas White* otherwise *Whitebread*, *John Fenwick*, *William Harcourt* otherwise *Harrison*, *John Gaven*, *Anthony Turner*, and *James Corker*, and other false Traytours to the Jurors aforesaid unknown, the aforesaid 24th. day of *April*, in the 30th. Year aforesaid, with Force and Arms aforesaid, at the Parish of *St. Giles* in the *Fields* aforesaid, in the County of *Middlesex* aforesaid, falsely, maliciously, subtilly, advisedly, divellishly and Trayterously did assemble, unite and gather themselves together; and then and there falsly, maliciously, subtilly, advisedly, divellishly and Trayterously did consult, consent and agree our said late Lord the King, to Death and final Destruction to bring and put, and the Religion within this Kingdom of *England*, rightly and by the Laws of the same Kingdom established to change and alter, to the superstition of the Church of *Rome*, and the Government of this Kingdom of *England*, to subvert; and that one *Thomas Pickering*, and one *John Grove*, him our said late Lord the King should kill and murder; and that they the said, *Thomas White* otherwise *Whitebread*, *John Fenwick*, *William Harcourt* otherwise *Harrison*, *John Gaven*, *Anthony Turner*, *James Corker*, and other false Traytors against our said late Lord the King, to the Jurors unknown, a certain number of Masses, between them then and there agreed upon, for the health of the soul of him the said *Thomas Pickering*, therefore should say, celebrate and perform; and therefore should pay unto the said *John Grove* a certain Sum of Money between them then and there agreed upon: And that the said *Thomas White* otherwise *Whitebread*, *John Fenwick*, *John Gaven*, *Anthony Turner*, *William Harcourt* otherwise *Harrison*, and other false Traytors against our said late Lord the King, to the Jurors unknown in the further prosecution of the Treasons and Trayterous Consultations and agreements aforesaid, afterwards (to wit) the said 24th. day of *April*, in the 30th. Year aforesaid, at the aforesaid Parish of *St. Giles* in the *Fields*, in the County of *Middlesex* aforesaid, falsely, subtilly, advisedly, maliciously, devillishly, & Trayterously, did severally give their Faith each to other; and upon the Sacrament then & there Trayterously did swear & promise to conceal, and not to divulge their said most wicked Treasons and Trayterous Compassings, Consultations and purposes aforesaid; so between them, had him, the said late Lord the King Trayterously to kill and murder, and to Introduce the *Romish* Religion, to be used within this Kingdom of *England*, and the true Reformed Religion in this Kingdom of *England*, rightly and by the Laws of this Kingdom Established to alter and Change; and that the said *Thomas White* otherwise *Whitebread*, *John Fenwick*, *William Harcourt* otherwise *Harrison*, *John Gaven*, *Anthony Turner*, *James Corker*, and other false Traytors to the Jurors aforesaid unknown, in further Prosecution of the Treasons and Trayterous intentions and agreements aforesaid, afterwards (to wit) the said 24th. day of *April*, in the 30th. Year aforesaid at the Parish aforesaid, in the County aforesaid, falsly, subtilly, advisedly, maliciously, devillishly and Trayterously, did prepare, perswade, excite, abet, comfort and Counsel four other Persons to the Jurors unknown, and Subjects of our said late Lord the King, him our said late Lord the King, Trayterously to kill and murder, against the duty of their Allegiance, and against the peace of our said late Lord the King, his Crown and Dignity, and against the forme of the Statute, in that Case made and provided; whereupon, it was Commanded the Sheriff of the County aforesaid, that he should not omit, &c. But should take them to answer, &c.

Which Indictment the said Justices of our Lord the King, afterwards, (to wit) at the Goal-delivery of our said Lord the King of *Newgate*, holden by Adjournment for the County of *Middlesex*, at Justice-Hall in the *Old Bayly*, in the *Suburbs* of the City of *London*, on Fryday (to wit) the 13th. day of *June*, in the 31st. Year aforesaid, before Sir *James Edwards*, Knight, Mayor of the City of *London*; Sir *William Scroggs*, Knight, Lord Chief Justice of his Majesty's Court of *King's-Bench*; Sir *Francis North*, Knight, Lord Chief Justice of his Majesty's Court of *Common-Pleas*; Sir *Thomas Allen*, Knight and Baronet, one of the Aldermen of the said City of *London*; Sir *George Jeffreys*, Knight, Recorder of the said City of *London*; and other their Companions, Justices of our said Lord the King, assigned to deliver his Goal of *Newgate* of the Prisoners in the same being, by their own proper Hands did deliver there, in the Court of Record, in form of Law to be determined: And thereupon, at the said Goal-delivery of our Lord the King, of *Newgate*, holden by the Adjournment aforesaid, for the County aforesaid, at Justice-Hall aforesaid, the said Fryday the 13th. of *June*, in the 31st. Year aforesaid, before the aforesaid Justices of our said late Lord the King last named, came the said *Thomas White*, otherwise *Whitebread*, *John Fenwick*, *William Har-*

count, otherwise *Harrison*, *John Gaven*, and *Anthony Turner*, under the Custody of Sir *Richard How*, Knight, and Sir *John Chapman*, Knight, Sheriff of the County aforesaid; into whose Custody, for the Cause aforesaid, they were before that time Committed; being brought to the Bar there, in their proper Persons; who were committed to the aforesaid Sheriff, &c. And immediately being severally demanded concerning the Premises aforesaid, in the Indictment aforesaid specified, charg'd upon them as above, how they would thereof acquit themselves; the said *Thomas White*, otherwise *Whitebread*, *John Fenwick*, *William Harcourt*, otherwise *Harrison*, *John Gaven*, and *Anthony Turner*, did severally say, That they were Not thereof Guilty: And thereupon, for Good and Bad, did severally put themselves upon the Country. And thereupon, upon the Indictment aforesaid last recited, at the Session of our Lord the King, at the Justice-Hall in the Old-Bayly, it was so far proceeded, that the Issue aforesaid between our said late Lord the King, and the said *Thomas White*, otherwise *Whitebread*, *John Fenwick*, *William Harcourt*, otherwise *Harrison*, *John Gaven*, and *Anthony Turner*; afterwards, to wit, the aforesaid Fryday, the 13th. Day of June, in the 31st. Year aforesaid, at Justice-Hall aforesaid, by a certain Jury of the Country in that behalf duly Empanell'd, Sworn and Charg'd, was Tryed; and that upon the Tryal of the Issue aforesaid last mentioned, between our said late Lord the King, and the said *Thomas White*, otherwise *Whitebread*, *John Fenwick*, *William Harcourt*, otherwise *Harrison*, *John Gaven*, and *Anthony Turner*, at London aforesaid, (to wit) at the Justice-Hall in the Old-Bayly aforesaid, in the Parish of St. Sepulchre in the Ward of Faringdon Without, London, aforesaid, the said Defendant, *Titus Oats*, was also a Witness produced on behalf of our said late Lord the King, upon the Tryal aforesaid, upon the Indictment last aforesaid: And he, the aforesaid *Titus Oats*, then and there at the Session last aforesaid, at the Justice-Hall aforesaid, in the Court of the same Session, to wit, at the Parish and Ward aforesaid, was duly sworn upon the Holy Gospels of God, to speak and testify the Truth, the whole Truth, and nothing but the Truth, of, and in the Premises, in the Issue aforesaid last mentioned, so as aforesaid joyned between our said late Lord the King, and the said *Thomas White*, otherwise *Whitebread*, *John Fenwick*, *William Harcourt*, otherwise *Harrison*, *John Gaven*, and *Anthony Turner*. And that the said *Titus Oats* then and there, at the Session aforesaid last mentioned, in the Justice-Hall aforesaid, in the Court of the same Session, upon his Oath aforesaid, upon the Indictment last aforesaid, by his own proper Act and Consent, of his most wicked Mind, falsely, voluntarily, and corruptly did say, depose, swear, and give in Evidence to the Jurors of the Jury aforesaid last mentioned, so as aforesaid Sworn and Empanell'd to try the Issue aforesaid between our said late Lord the King, and the said *Thomas White*, otherwise *Whitebread*, *John Fenwick*, *William Harcourt*, otherwise *Harrison*, *John Gaven*, and *Anthony Turner*. That *William Ireland* (one *William Ireland*, then before Convicted and Executed for High Treason against our late Lord the King, meaning) took his Leave of him the said *Titus Oats* and others, at the Chamber of the said *William Ireland*, then being in *Russel-Street*, (a certain Street, called *Russel-Street*, lying within the City of *Westminster* in the County of *Middlesex*, meaning) between the 8th. and 12th. Day of August, in the Year of our Lord 1678. Whereas, in truth and indeed, the said *William Ireland* did not take his Leave of the said *Titus Oats*, or any other Persons whatsoever, at the Chamber of the said *William Ireland*, then being in *Russel-Street* aforesaid, between the said 8. and 12. Days of August, in the Year of our Lord 1678. And so the said *Titus Oats*, upon the said Fryday the 13th. day of June, in the 31st. Year aforesaid, at the Session last aforesaid, at the Justice-Hall aforesaid, in the Court of the same Session, upon the Indictment last aforesaid, so put in Issue, and Tryed as aforesaid, between our said late Lord the King, and the said *Thomas White*, otherwise *Whitebread*, *John Fenwick*, *William Harcourt*, otherwise *Harrison*, *John Gaven*, and *Anthony Turner*, by his own proper Act and Consent, and of his most wicked Mind; falsely, voluntarily, and corruptly, in manner and form aforesaid, did commit voluntary and corrupt Perjury, to the great Displeasure of Almighty God, in manifest contempt of the Laws of this Kingdom of England, to the evil and pernicious Example of all others, in the like Case offending, and against the Peace of our Sovereign Lord the King, his Crown and Dignity. Upon this Indictment he has been Arraigned; and thereunto hath pleaded, Not Guilty: And for his Tryal, hath put himself upon the Country, and his Majesty's Attorney-General likewise; which Country you are. Your Charge is, To enquire, whether the Defendant, *Titus Oats*, be Guilty of the Perjury he stands Indicted, or Not Guilty.

Guilty. If you find him *Guilty*, you are to say so: If you find him *Not Guilty*, you are to say so, and no more: And hear your Evidence.

Lord Ch. Just. Look ye, Mr. *Attorney*, my Lord Chief Justice *Jones* has sent to know, whether you have any thing to do with him to day, here?

Mr. Att. Gen. Not at all, that I know of.

Lord Ch. Just. Mr. *Oats*, Do you intend to make use of my Lord Chief Justice *Jones*, or any of the Judges of the *Common-Pleas*, as Witnesses?

Oats. Yesterday, my Lord, I did call for them, to have made use of them, as Witnesses.

Lord Ch. Just. But have you any thing to say to them to day?

Oats. I cannot tell, as yet.

Lord Ch. Just. Then my Lord Chief Justice *Jones* must be told, That he does not know, whether he shall, or not. Go on, Sir *Samuel Astry*.

Then Proclamation for Information and Evidence was made in usual manner.

Mr. Phipps. May it please your Lordship, and you Gentlemen of the Jury; This is an Indictment against *Titus Oats*, Clerk, for Perjury: And the Indictment sets forth, That *William Ireland*, *Thomas Pickering*, and *John Grove*, in the 30th. Year of the late King, were Indicted of High Treason, and Tryed at the *Old-Bayly*; and at that Tryal, the Defendant, *Titus Oats*, was produc'd a Witness for the King; and being sworn to tell the Truth, the whole Truth, and nothing but the Truth, did falsly, voluntarily, and corruptly depose, and swear, and give in Evidence to the Jury that did try that Cause, That the said *William Ireland* was in Town (within the Cities of *London* and *Westminster*, or the Places adjacent, meaning) upon the First or Second day of *September*, in the Year 1678. Whereas, in truth, the said *William Ireland* was not in Town, nor within the Cities of *London* or *Westminster*, or the Places adjacent, upon the First or Second day of *September*, in the Year 1678. And so the said *Titus Oats* hath committed wilful and corrupt Perjury. And the Indictment further sets forth, That upon the 13th. day of *June*, in the 31st. Year of the late King, *Thomas White*, otherwise *Whitebread*, *John Fenwick*, *William Harcourt*, otherwise *Harrison*, *John Gaven*, and *Anthony Turner*, were Indicted and Tryed at the *Old-Bayly* for Treason; and at that Tryal, the said *Titus Oats* was a Witness produc'd on the Part of the King: And being sworn to testify the Truth, the whole Truth, and nothing but the Truth; by his own Act and Consent, of his own most wicked Mind, falsly, voluntarily, and corruptly did depose, and swear, and give in Evidence to the Jury, That *William Ireland* (one *William Ireland*, before that time Convicted and Executed for High Treason, meaning) did take his Leave of him the said *Titus Oats*, at his the said *William Ireland*'s Chamber, then being in *Russel-Street*, between the 8th. and 12th. Day of *August*, in the Year of our Lord 1678. Whereas, in truth, the said *William Ireland* did not take his Leave of him the said *Titus Oats*, or of any other Persons whatsoever, at his the said *William Ireland*'s Chamber, then being in *Russel-Street* aforesaid, between the said 8th. and 12th. Day of *August*, in the Year of our Lord 1678. And so the said *Titus Oats* did then and there commit wilful and corrupt Perjury. And this is laid to be to the great Displeasure of *Almighty God*, in contempt of the Laws of this Land, to the evil and pernicious Example of all others in the like Case offending, and against the King's Peace, Crown, and Dignity. To this he has pleaded, *Not Guilty*. If we prove it, we do not question, but you will find him *Guilty*.

Mr. Att. Gen. May it please your Lordship, and you Gentlemen of the Jury; Mr. *Oats* stands Indicted for having perjur'd himself: The Instances, Gentlemen, that we charge him with, are these: First, What he swore at the Tryal of *Ireland*; and we say, that at that Tryal he did swear *Ireland* was in Town the 1st. or 2d. of *September*, 1678. The second instance is, What he swore at the Tryal of the five *Jesuites*; and there we say, he did swear, That *Ireland* was in Town between the 8th. and 12th. of *August*, and that he took his leave of him here in Town at his Chamber in *Russel-Street*; and we do charge him by this Indictment, that he has forsworn himself in both Instances: And that *Ireland*, Gentlemen, was neither in Town between the 8th. and 12th. of *August*, nor the 1st. or 2d. of *September*. And we shall make it out very evidently; For, Gentlemen, as to the proof in this Case, our Case stands thus; We say, That the 3d. of *August*, 1678. *Ireland* went into *Hartfordshire*, to a House of my Lord *Astons*; and from thence went into *Staffordshire*.

fordshire. I will not stand to open the Particulars, where he was every day; but we shall give you an account, in a method very easy to be remembred and observ'd, where he was till the 14th. of *Septem' er*. But one Remarkable Instance, Gentlemen, I desire to take particular notice of; and that is, the time of *Pancrass-Fair*, which is upon the 2d. of *September* alwayes, a known day, and a known place in that Country. Now we have among the rest, many Witnesses to prove, That Mr. *Ireland* was there that day, and not in Town. And when we have proved this, as we shall by a whole Cloud of Witnesses, I believe, you Gentlemen of this Jury, will no more doubt, that Mr. *Oates* is Forsworn in these Particulars, than the Jury Yesterday did in that particular; nor than, I believe, the whole Kingdom does by this time.

Mr. *Sol. Gen.* My Lord, we shall go to our Evidence; and first, we produce the Records of the two Tryals of *Ireland*, and the five *Jesuits*. Swear Mr. *Swift*, (which was done.) Pray, Sir, put in the Records. Are those true Copies?

Mr. *Swift*. My Lord, I examined these Records with the Originals, and they are true Copies.

Mr. *Att. Gen.* Mr. *Oats*, Will you have them Read? or to save the time of the Court, will you agree them?

Oats. My Lord, I consent to save the time of the Court; If they shall be made use of for Evidence for me.

Lord *Ch. Just.* No doubt, they are Evidence for you, as well as against you, when they are produced here.

Mr. *Soll. Gen.* If Mr. *Oats* does admit the Records, then shall we go on, and prove what he did swear at those Tryals; and for the first part of the time, which is between the 8th. and 12th. of *August*, we desire that Mr. *Thomas Harriot*, and Mr. *Rainsford Waterhouse* may be sworn (which was done.)

Mr. *Att. Gen.* Mr. *Harriot*, pray do you Remember at the Tryal of the five *Jesuits*, was Mr. *Oats* produc'd and sworn as a Witness?

Mr. *Harriot*. Yes, he was, my Lord.

Mr. *Att. Gen.* Do you remember what testimony he gave about *Ireland's* being in Town, and when it was, he said, he was in Town?

Mr. *Harriot*. My Lord, he did positively swear, that Mr. *Ireland*, the late *Jesuite*, did take his leave of him the said *Oats* and others, at the said *Ireland's* Chamber in *Russel-street*, betwixt the 8th. and 12th. of *August*, 1678.

Mr. *Soll. Gen.* Were you of the Jury that tryed the five *Jesuits*, Mr. *Harriot*?

Mr. *Harriot*. Yes, I was Foreman of that Jury.

Mr. *Soll. Gen.* What say you, Mr. *Waterhouse*? Were you present at that Tryal?

Mr. *Waterhouse*. Yes, I was of the Jury too.

Mr. *Soll. Gen.* What did *Oats* Swear at that Tryal?

Mr. *Waterhouse*. He said, That Mr. *Ireland* took his leave of him the 12th. of *August*. My Lord *Ch. Just. Scroggs* then asked him, are you sure it was the 12th? And then he said, He would not be positive, it was the 12th. but between the 8th. and 12th. it was, I am positive upon my Oath.

Mr. *Att. Gen.* It is so in the Print too; but we will now go on.

Lord *Ch. Just.* But will the Defendant ask these Witnesses any Questions?

Oats. My Lord, if your Lordship please, I will ask Mr. *Harriot* a Question.

Lord *Ch. Just.* Ay, do, ask him what you will.

Oats. Mr. *Harriot*, Did I swear, that he took his leave of me, or I took my leave of him?

Mr. *Harriot*. You swore, that *Ireland* took his leave of you and others, between the 8th. and 12th. of *August*, 1678. between those two days, and in that Year.

Mr. *Just. Withins.* It is a nice Question, that of yours, Mr. *Oats*, upon my word.

Oats. My Lord, I know what reason I have to ask that Question; I am sure in Perjury, the Court ought to keep up the Witnesses strictly to what is laid in the Indictment.

Lord *Ch. Just.* Well, you have his Answer according to the Indictment.

Oats. Pray, my Lord, be pleased to ask Mr. *Harriot* this Question, whether he took Notes of the Tryal?

Mr. *Harriot*. Yes, I did so, Sir.

Oats. My Lord, I desire to know of Mr. *Harriot*, whether he has those Notes by him.

Mr. *Harriot*. No, Sir, I have them not here; but I have had them by me this four or five Years, or more. It was my manner in all the Tryals, wherein I was concern'd as a Jury-Man, to Read the Tryals strictly over, when they were printed, especially where

I happen'd to have any Notes, that I took at the Tryal; and to compare the printed Tryal with my Notes; and where I found any thing doubtful, I us'd to put a Query upon it. And this and many other things, I found to be in the Printed Tryal strictly according to my Notes.

Oats. My Lord; I desire to know, what Tryal he was *Foreman* at?

Mr. Harriot. That of the Five *Jesuites*, in *June*, the 13th. of *June*, 1679.

Lord Ch. Just. Have you any thing to ask *Mr. Waterhouse*?

Oats. Yes, my Lord. Pray, Sir, let me ask you a Question.

Mr. Waterhouse. Ay, if you please, Sir.

Oats. Did you take Notes of that Tryal you speak of, Sir?

Mr. Waterhouse. No, I did not.

Oats. How come you then to remember this, That I was so positive as to the time betwixt the 8th. and 12th. of *August*?

Mr. Waterhouse. Because I was one of the *Jury*; and because my Lord Chief Justice made a stop, when you said, 'Twas the 12th. of *August*; and bid you consider: And you consider'd, and consider'd it; and did affirm positively, That it was between the 8th. and 12th. of *August*.

Lord Ch. Just. He gives you a plain Reason for his Remembrance.

Oats. My Lord, I have done with him.

Mr. Sol. Gen. Then we desire *Mr. Foster* may be sworn. (*Which was done.*) *Mr. Foster*, Pray, will you tell what you remember *Mr. Oats* swore at *Mr. Ireland's* Tryal, about *Ireland's* being in Town.

Mr. Foster. I was one of the *Jury* at the Tryal of *Mr. Ireland*, *Mr. Pickering*, and *Mr. Grove*; and I did see *Mr. Oats* sworn, as a Witness for the King, at that Tryal; and so was *Mr. Bedloe*: And *Bedloe* there gave Evidence, That there was a Meeting at *Harcourt's* Chamber; and *Ireland*, *Grove*, and *Pickering* was there: And that this was the later End of *August*. *Mr. Ireland* did make his Defence, as much as he could, to prove, That he was not in Town from the Beginning of *August*, to the Middle of *September*; and brought divers Witnesses. But upon his denying to be here the later End of *August*, *Mr. Oats* did come and swear: *I am certain*, (says he) *that the First or Second of September, he was in Town; for then I had of him Twenty Shillings.*

Oats. Was I positive, that he was here in Town the First or Second of *September*?

Mr. Foster. You were positive, Sir, to the First or Second; I have it in my Notes in Writing.

Lord Ch. Just. He tells you, It is in his Notes: And therefore, he's sure you said so.

Mr. Att. Gen. In the Printed Copy, if it be right, there is mention made of the word *Positive*.

Lord Ch. Just. I think, that is in *August*, between the 8th. or 12th. he was positive.

Oats. Did I say these Words, *I was Positive*?

Mr. Waterhouse. I say, you affirmed, That he was in Town the First or Second of *September*.

Lord Ch. Just. It is not necessary, that you should use the word *Positive*: The Question is, Whether it was positively affirm'd?

Mr. Just. Williams. Was not that true that you said? Did not you affirm a Positive Truth?

Oats. My Lord, I'll tell you the Reason why I ask the Question, because I have forgot my self, whether I us'd the Word or no; and therefore, I ask for my own Information now.

Lord Ch. Just. Well, ask for what Reason you will, you have receiv'd an Answer to your Question; and, upon my Word, he gives a notable Evidence: Says he, *Bedloe* had sworn a Treasonable Practice by *Ireland*, in the later End of *August*. Then *Ireland* comes, and makes his Defence: Says he, *That cannot be; for I was out of Town at that time: I was not in London all August, nor the Beginning of September.* Then come you in, to support the Testimony of *Bedloe*; and swear, That he was in Town the First or Second of *September*; for then he gave you Twenty Shillings. And so you come to rivet the Matter that was sworn before by *Bedloe*.

Oats. My Lord, what I swore was Truth.

Lord Ch. Just. That is now to be tryed.

Mr. Att. Gen. We have another of the *Jury* here, *Mr. John Byfield*: Pray, swear him. (*Which was done.*)

Mr. Sol.

Mr. Sol. Gen. Well, Sir, What did you hear *Oats* swear at that Tryal?

Mr. Byfield. I heard the same that they have testified before.

Lord Ch. Just. But you must tell us, what that was.

Mr. Sol. Gen. Were you a *Jury-man* at that Tryal?

Mr. Byfield. Yes, I had a Summons to the *Old-Bayly*.

Lord Ch. Just. But, What did *Oats* swear? That's the Question.

Mr. Byfield. Mr. *Oats* did positively assert, That *Ireland* was here in Town the First or Second of September; and to confirm it, he said, He receiv'd of him Twenty Shillings.

Mr. Att. Gen. Now, my Lord, we shall go to our Evidence, to prove, That all this is absolutely false: For *Ireland* went out of Town into *Staffordshire*, and did not return till after the Ninth of September. And for this, we call *Anne Ireland*. (Who was sworn.)

Mr. Sol. Gen. Mrs. *Ireland*, Pray, where did you take your Leave of your Brother, Mr. *Ireland*, who was Executed in Summer 1678. and when?

Mrs. A. *Ireland*. I took my Leave of him the Beginning of *August*.

Mr. Sol. Gen. What Day in *August* do you remember?

Mrs. A. *Ireland*. The Third of *August*. Mr. Sol. Gen. Where was it?

Mrs. A. *Ireland*. In my own Lodging. Lord Ch. Just. Where was your Lodging?

Mrs. A. *Ireland*. In *Russel-Street*, *Covent-Garden*.

Lord Ch. Just. Now tell us again the time, when it was?

Mrs. A. *Ireland*. It was on Saturday-morning, as I remember, the Third of *August*, the Saturday after *St. Ignatius-Day*.

Lord Ch. Just. How come you to remember so particularly, that it was then?

Mrs. A. *Ireland*. Because upon *St. Ignatius-Day*, we were invited to Mr. *Gifford's* at *Hammersmith*; my Brother, my Mother, and I, were invited to stay all Night. But my Brother refused to stay, because

Lord Ch. Just. Which Brother? What was his Name?

Mrs. A. *Ireland*. *William Ireland*. Lord Ch. Just. Did they stay there?

Mrs. A. *Ireland*. No, my Lord; my Brother came home on foot, but we stay'd all Night.

Mr. Att. Gen. Here is an Almanack of that Year, and the Third of *August* was on a Saturday.

Mrs. A. *Ireland*. He said, He could not stay, because he was to go into the Country upon Saturday. I ask'd him, What he should do on Saturday? And says he, I go to *Standen*; there I shall meet with my Lord *Alnton*, and his Family, and have an Opportunity to go with him into *Staffordshire*.

Lord Ch. Just. She says, He went out of Town on Saturday after *St. Ignatius-Day*; which was Saturday, the Third of *August*. But there being a Discourse between her, and her Brother, why he should make Choice of a Saturday; which she thought it seems, was an inconvenient Day to take a Journey on. And upon that, her Brother made Answer again, That that Night he would only go to *Standen*, to my Lord *Alnton's* House, where he should meet with Company to go along with him into *Staffordshire*.

Mr. Att. Gen. What Day of the Week was *St. Ignatius-Day*?

Mrs. A. *Ireland*. *St. Ignatius-Day* was on a Wednesday.

Lord Ch. Just. What Day of the Month is *St. Ignatius-Day*?

Mrs. A. *Ireland*. It is either the Last Day of *July*, or the First of *August*.

Lord Ch. Just. Look on your Almanack, if you have any one of that Year, Mr. Attorney.

Mr. Att. Gen. We have no such Saint in our Almanack.

Mrs. A. *Ireland*. It was as near as I can remember, the Third of *August*, that he went out of Town.

Mr. Sol. Gen. The Third of *August*, at that time, was on a Sunday.

Lord Petre. *St. Ignatius-Day* is always on a Friday.

Mr. Att. Gen. In this Almanack another Saint has justled him out, and that is *St. Ignatius*.

Lord Ch. Just. And in my Almanack, a third has justled them out both; but my Lord Petre says, it is always the last of *July*, and that is the same day.

Mrs. A. *Ireland*. I remember, it was on a Wednesday.

Lord Ch. Just. And you are sure, he went out of Town the Wednesday after.

Mrs. A. *Ireland*. Yes, I am sure he went out of Town then; for I ask'd him, Why he

he would go on a *Saturday*? and he told me, he would go but to *Standen* that Night.

Mr. Sol. Gen. And that does hold, according to the Computation, to be the third of *August*.

Oats. My Lord, she is not positive in this, that he went out of Town the third of *August*.

Mr. Att. Gen. Yes, but she is; for she saies, that she was the *Wednesday* before (which was *St. Ignatius* day) with him a little way out of Town.

Lord Ch. Just. And that it was *Saturday* after, he went out of Town; and she gives the Reason, that she entred into a discourse with him, why he would go on *Saturday*? and he made that answer which you hear.

Mr. Just. Withins. Mr. Oats knows what day *St. Ignatius* day is upon, I presume.

Oats. It is the last day of *July*, I think.

Mr. Sol. Gen. In our Protestant-Almanacks, it seems, we give another Bishop place.

Mr. Att. Gen. Mrs. Ireland, When did you see him again?

Mrs. A. Ireland. Just a Fortnight before *Michaelmas*, and not before.

Lord Ch. Just. You were his near Relation, I suppose.

Mrs. A. Ireland. Yes, my Lord, I was his Sister.

Lord Ch. Just. Pray, when he came to Town again, Where did he Lodge?

Mrs. A. Ireland. He used to lodge at the same place, where we did alwayes; and in the mean time, while he was absent, my Mother lent one Mrs. Eagleston his Lodging.

Lord Ch. Just. Is that Person you lent his Chamber to in his absence, here?

Mrs. A. Ireland. No, my Lord.

Lord Ch. Just. When did she enter upon his Lodging?

Mrs. A. Ireland. Truly, my Lord, I cannot tell; her Maid fell sick, and so she came down a pair of stairs lower into his Lodging. It was in a short time after he went out of Town, my Lord, as I remember.

Lord Ch. Just. When did he come to Town again, do you say?

Mrs. A. Ireland. He came to Town again a Fortnight before *Michaelmas*; it was that day Fortnight before *Michaelmas*, that *Michaelmas*-day fell on——

Lord Ch. Just. Have you any Questions to ask her, Mr. Oats?

Oats. My Lord, I desire to know, Why she did not give this Evidence before? or whether ever she did give this Evidence at any of the Tryals?

Mrs. A. Ireland. Yes, I was at my Brothers Tryal; and there I gave the same Evidence.

Oats. Were you there at the Tryal of the five *Jesuits*? and did you give the same Evidence then?

Mrs. A. Ireland. No, I was not call'd. Lord Ch. Just. But were you there?

Mrs. A. Ireland. I was in the Court at the same time, but was not Examined.

Oats. What year is it you speak of, that he went out of Town the third of *August*?

Mrs. A. Ireland. The year '78.

Oats. I desire, my Lord, to ask this Gentlewoman, what Religion she is of?

Mrs. A. Ireland. I am a *Roman Catholick*, my Lord.

Oats. I desire to know, whether her name be *Ireland* or *Ironmonger*?

Mrs. A. Ireland. My right Name is *Ironmonger*; but because of his Profession, he went by the name of *Ireland*; and for his sake, we go by that name too.

Oats. By what name did you give Evidence at *Ireland's* Tryal?

Mrs. A. Ireland. By that name of *Ireland*.

Lord Ch. Just. Why, Mr. Oats, that is a good name enough to be called by; you may remember, you were called *Titus Ambrosius*, and *Sampson Lucy*, at *St. Omers*.

Mr. Att. Gen. Swear Mrs. *Eleanor Ireland*, (which was done.)

Mr. Att. Gen. When did your Son go out of Town?

Mrs. El. Ireland. The third of *August*.

Mr. Sol. Gen. Are you sure it was the third of *August*?

Mrs. El. Ireland. Yes, I am sure it was. Mr. Sol. Gen. What year was it?

Mrs. El. Ireland. My memory is not good for that; I cannot tell what year, my Daughter can.

Mr. Sol. Gen. Was it the same year he was Tryed afterwards?

Mrs. El. Ireland. Yes, it was the same Summer; at *Michaelmas* after he was taken

up.

Mr.

Mr. Sol. Gen. What time did he return again out of the Country?

Mrs. El. Ireland. The 14th. of September, after.

Oats. My Lord, I would ask her, whether or no she gave this Evidence at her Son's Tryal?

Mrs. El. Ireland. Yes, I was a Witness there: but they would not permit me to speak half so much; they would hardly let me speak at all.

Oats. I desire to know, whether she was an Evidence at the Five Jesuite's Tryals?

Mrs. El. Ireland. No, I was not there, then.

Mr. Att. Gen. Pray, swear Mrs. Duddle, and Mrs. Quino. (Which was done.)

Mr. Sol. Gen. Come, Mrs. Duddle; Do you remember when Mr. Ireland went out of Town, in the Year 78?

Mrs. Duddle. To the best of my remembrance, it was the Third of August.

Mr. Sol. Gen. Why do you think, it was the Third of August?

Mrs. Duddle. He went for a Recreation out of Town three Days before, which was upon an Holy-day, St. Ignatius his Day; and he went out of Town one Night then, and he came and stay'd but two Nights after: And went out of Town upon the Saturday.

Lord Ch. Just. Did he stay out of Town one Night?

Mrs. Duddle. Yes, he stay'd out of Town all Night.

Lord Ch. Just. Are you sure he stay'd all Night?

Mrs. Duddle. I am sure he stay'd but one Night.

Lord Ch. Just. But, what say you to that, Mr. Attorney? This Witness contradicts the other.

Mr. Just. Withins. Ay, plainly.

Mrs. Duddle. Mrs. Ireland, and Mrs. Anne Ireland, and he, went out upon a Recreation out of Town, it being Holy-day; and I remember well, that was of a Wednesday: And that Saturday he went away, and never came again, till a Fortnight before Michaelmas.

Lord Ch. Just. But mind my Question, Woman.

Mrs. Duddle. Yes, my Lord.

Lord Ch. Just. Did he come home that Night he went on the Recreation?

Mrs. Duddle. I do not know.

Lord Ch. Just. But just now you swore, He stay'd out all Night.

Mrs. Duddle. No, my Lord.

Lord Ch. Just. Yes, but you did, though; prithee mind what thou art about.

Mrs. Duddle. I do not say, He; but, I am sure, his Sister, and the Company, stay'd out that Night. I remember very well, he went the Third Day after, which was Saturday. And Mr. Jennison came to ask for him Three Weeks after: And there was a Person of Quality with him in the Coach; I think, it was Sir Miles Wharton. And he asking for him, they gave him an account, That they had not heard from him since he went; which was then Three Weeks after he was gone. And I remember well, he did not come to Town again, till a Fortnight before Michaelmas.

Lord Ch. Just. How can you tell that?

Mrs. Duddle. My Lord, I can tell it very well: For I was almost every Night in the Room, where he used to lie; and there lay a Gentlewoman there, that I knew.

Lord Ch. Just. What was her Name?

Mrs. Duddle. Mrs. Eagleston.

Lord Ch. Just. How comes she to lie there?

Mrs. Duddle. Her Maid fell sick, and she chang'd her own Chamber, and lay there all the time he was out of Town.

Oats. My Lord, Is this good Evidence?

Lord Ch. Just. Ay, why not?

Oats. My Lord, I think, she contradicts the other Witness: For she says, He lay out Two Nights.

Lord Ch. Just. No, there you are mistaken, too. But I tell you what I did observe before. Mrs. Anne Ireland swore, That they did stay all Night; but Mr. Ireland refused to stay there; but would go home, because he was to go his Journey on Saturday. Then this Woman comes; and she said, at first, That he went out of Town on the Wednesday, and stay'd out all Night; and lay at Home but Two Nights, and then went away. But now, when I put her in mind to take care what she said, she swears, She is sure, the Sister lay out; but she is not sure of Ireland's lying out: But she is positive, he went away on the Saturday the Third of August, and return'd not till a Fortnight before Michaelmas.

Oats. My Lord, I humbly conceive, she having once sworn false,

Lord Ch. Just. Ay, but she immediately Recollected her self.

Oats. By what Token does she remember it to be the Third of August?

Lord Ch. Just. She said before, It was the Saturday after St. Ignatius-Day; which was on a Wednesday, the last of July: And he went then out of Town. She call'd it by the Name of Recreation.

Oats. Was it the Saturday after St. Ignatius-Day?

Mrs. Duddle. Yes, it was: And I had not remembered it, but that it was upon that Holy-Day.

Oats. This is a Roman Catholick, I suppose, my Lord.

Lord Ch. Just. I cannot tell. What Religion are you of?

Mrs. Duddle. I am a Roman Catholick, my Lord. Mr. Jefferson knows what I say to be true.

Oats. Were you a Witness in any of the Trials at the Old-Bayly?

Mrs. Duddle. I was in the Court; but was not called.

Mr. Sol. Gen. What say you, Mrs. Quino? When did Mr. Ireland go out of Town?

Mrs. Quino. I must say the same; it was the Third Day of August, on a Saturday.

Lord Ch. Just. How do you know, that it was on a Saturday, the Third of August?

Mrs. Quino. By the same Reason, that she speaks. I mark'd that other Day he went out of Town; and he came again, and his Mother stay'd there that Night: And he went on Saturday-Morning out of Town. I know it very well: For my Husband was his Taylor, and he had somewhat to alter in his Cloaths; and I brought it immediately after it was done.

Lord Ch. Just. Are you sure, he went out of Town that Day?

Mrs. Quino. He went out of the House; and, as I take it, he went out of Town?

Lord Ch. Just. Did he say, He was to go out of Town?

Mrs. Quino. He had his Boots on; and took Horse at the Bull-Inn in Drury-Lane.

Lord Ch. Just. How do you know it?

Mrs. Quino. Because his Servant, that was there, has testify'd it.

Mr. Att. Gen. Now swear my Lord Aston. (Which was done.) We'll bring Ireland now upon the Third of August at Night, to my Lord Aston's House at Standen.

Mr. Sol. Gen. Pray, will your Lordship give my Lord and the Jury an Account, when Mr. Ireland came to your House; and how far he Travelled, with you afterwards?

Lord Aston. My Lord, being in Town, I was spoke to, and desir'd, that Mr. Ireland might have the Opportunity of going in my Company down into Staffordshire; which I consented to: I went out of Town, as I remember, the latter End of July, 1698. and this same Mr. Ireland came to me, at my House in Staffordshire at Standen, upon the Third of August at Night.

Lord Ch. Just. What Day of the Week was that, my Lord?

Lord Aston. As I remember, it was Saturday, and in the Evening.

Lord Ch. Just. How long did he stay with your Lordship?

Lord Aston. My Lord, I stay'd till Monday at Standen; and upon Monday he went in my Company to St. Albans, which was the Fifth of August.

Mr. Att. Gen. Whether then did you go, my Lord?

Lord Aston. There I met with my Brother and Sister Southcoat.

Lord Ch. Just. Sir John Southcoat you mean, my Lord.

Lord Aston. Yes, my Lord. And thence, in Four Days, we went to my House at Tixhall.

Lord Ch. Just. Did Mr. Ireland travel with you all the Way?

Lord Aston. I cannot charge my Memory, my Lord, that he did; so as particularly to swear it: But there he came into my Company sometimes at Tixhall; but I cannot tell the particular Days: Nor could I speak positively in those things that I have spoke to now, but that I find in my Note-Book, that at that time he did come to my House at Standen, and did go with me to St. Albans.

Mr. Att. Gen. Pray, my Lord. Did he go along that Journey to Tixhall, with you?

Lord Aston. I cannot say positively that, Mr. Attorney; but I have a general Notion, that he did. Nor could I testify this so positively, I say, but by Notes that I have

of things at that Time: Where I have only writ down these things concerning Mr. Ireland, that he came the 3d. of August, to my House at Standen: That on Monday we went together to St. Albans; and there met us Sir John Southcoat, and my Sister his Wife; and thence I went to Tixhall; and there I arriv'd the 8th. of August, which was Thursday.

Lord Ch. Just. My Lord, I ask you this Question; You say, you have a general apprehension, that he did go with you to Tixhall: Pray, did he come with you to Standen for that purpose, to go with you to Tixhall?

Lord Aston. I had no business with him at all; but he desired the opportunity, to go down in my Company into Staffordshire.

Lord Ch. Just. Pray, my Lord, do you remember you saw him within four or five dayes after at Tixhall?

Lord Aston. To name particular dayes, I cannot; but that I saw him several dayes about that time at Tixhall, I am sure.

Oats. My Lord, you say, that Sir John Southcoat went with you to Tixhall.

Lord Aston. Yes, he did so.

Oats. My Lord, I would ask this Nobleman, Whether he was at the Tryal of the five Jesuits? or the Tryal of Ireland?

Lord Aston. No, my Lord, I was not.

Oats. Then I would ask my Lord, If he saw Mr. Ireland Executed?

Lord Aston. No, I did not.

Oats. Then I would ask him this Question; Whether the Ireland that was Executed, be the same Ireland he speaks of?

Lord Aston. Amongst those that knew him well, I have been told, it was the same.

Oats. That is but hear-say, my Lord; He does not speak of his own knowledg.

Lord Ch. Just. For that matter, I suppose, you'll produce some other Ireland, Mr. Oats, If it was not the same.

Mr. Att. Gen. Was it this Mrs. Ireland's Brother, that was here a Witness now?

Lord Aston. He was so reputed, and so looked upon.

Lord Ch. Just. That is all one. If any body should ask me, if you were the same Mr. Oats, that was at St. Omers; I should say, I heard so; and it would be very good Evidence, unless some one else were produc'd.

Oats. My Lord, I submit; I will be directed by the Court in any thing that is fair, and not injurious to my defence.

Lord Ch. Just. We will not direct you in any thing that's foul, but pray keep to those questions that are pertinent.

Oats. Are you sure Ireland went the whole Journey with you, my Lord?

Lord Aston. I did answer that; I have but a general notion of it, he came to me for that purpose.

Oats. Then my Lord is not positive, he went with him into Staffordshire.

Lord Ch. Just. No, he is not; but I would ask you this Question, My Lord Aston, do you believe he went with you to Tixhall?

Lord Aston. I make no doubt of it, I would pawn all I have in the World upon it; only I cannot swear it, because I have it not in my Notes; as I have those two other dayes.

Mr. Just. Withins. Do you like him the worse, because he is Cautious, Mr. Oats?

Oats. No Sir, I do not. But pray my Lord ask him, because it is a Question here about a point of time; Whether he remembers, that within eight or ten dayes, he saw Ireland at Tixhall?

Lord Aston. I cannot say any thing to as that.

Mr. Att. Gen. Swear Sir Edward Southcoat, (Which was done.)

Lord Ch. Just. I thought you had called him Sir John Southcoat.

Mr. Att. Gen. Sir John is sick, and cannot be here.

Oats. I suppose my Lord Aston is a Roman Catholic?

Lord Ch. Just. Ay, that all the World knows very well, but I tell you what Mr.

Oats, I observe, he is not so easy in giving his Oath; nay, he is wonderful cautious in Swearing; I speak it for his commendation, not as his fault, he is not very forward at Swearing.

Mr. Just. Withins. Well, What do you ask this Gentleman, Mr. Attorney?

Mr. Att. Gen. We desire Sir Edward Southcoat would give an account, whether he met Mr. Ireland at my Lord Aston's? And when?

Sir Edward Southcoat. I was with my Lord Aston in his Company.

Lord Ch. Just. When was that Sir?

Sir Edward Southcoat. The 4th. of August I saw Mr. Ireland at my Lord Astons.

Lord Ch. Just. Was it the same Ireland, that was afterwards Tryed and Executed?

Sir Edward Southcoat. It was the same Ireland, that was commonly reported. I did not see him Executed.

Mr. Att. Gen. Was it the same that was Reputed to be this old Gentlewomans Son?

Sir Edward Southcoat. Yes, It was.

Lord Ch. Just. Pray Sir, go on with your Evidence.

Sir Edward Southcoat. Upon Monday, we began our Journey to Tixhall, and went that night to St. Albans; where we met my Father and Mother, and thence we continued on our Journey the next day.

Lord Ch. Just. Was he with you there, that day you went to St. Albans?

Sir Edward Southcoat. He was with us, I Remember very particularly. It was hot weather, and my Lord Aston invited him into the Coach; for before, he was Riding by the Coach side, and there I remember a particular discourse, that he and my Lord Aston had; from thence we went on to Northampton, and came the Tuesday night.

Lord Ch. Just. Was Ireland with you there?

Sir Edward Southcoat. Ireland was with us there.

Oats. My Lord, I did not well observe what this Gentleman said.

Lord Ch. Just. Pray mind your business your self, he speaks plain enough; go on Sir.

Sir Edward Southcoat. Mr. Ireland was with us, I say my Lord, all the Journey; and I do Remember it particularly by a pretty Horse Mr. Ireland Road upon; and I had a dispute with my Cousin, who should buy him; I took particular notice every day of him, as he rode by the Coach, and Converfed with him every night in the Inn. We went, I say, from St. Albans to Northampton on the Tuesday; from Northampton we went to Coventry on the Wednesday, and from thence to my Lord Astons, at Tixhall, on the Thursday.

Lord Ch. Just. Come, let us go by degrees. Was Mr. Ireland with you, when you went from my Lord Astons at Standen to St. Albans?

Sir Edward Southcoat. Yes, he was.

Lord Ch. Just. You say, it was a hot day, when you set out: And my Lord Aston did invite him into the Coach.

Sir Edward Southcoat. Yes, my Lord, he came into the Coach on Monday, which was the first day we set out; and came that night to St. Albans.

Lord Ch. Just. You lay there that Night?

Sir Edward Southcoat. Yes, my Lord.

Lord Ch. Just. Where did you lie there?

Sir Edward Southcoat. At the great Inn, at the Bull.

Lord Ch. Just. Ay, That is the great Inn.

Sir Edward Southcoat. The next night, my Lord, we came to Northampton.

Lord Ch. Just. Where did you lie there?

Sir Edward Southcoat. We lay at the signe of the George; it was Sir William Farmers House; but made use of for an Inn, because the Town was Burnt down.

Lord Ch. Just. Was Mr. Ireland with you all that day?

Sir Edward Southcoat. He rode with us all the day.

Lord Ch. Just. And you took notice of it, because of his Horse, you say?

Sir Edward Southcoat. Yes, he had a very pretty Horse, my Lord; and my Brother bought the Horse of him, after we came back again.

Lord Ch. Just. Whether went ye the next day?

Sir Edward Southcoat. The next night we lay at the Bull in Coventry, and from thence on Thursday, we arrived at my Lord Astons, at Tixhall.

Mr. Att. Gen. My Lord, the Jury desires to know what he sayes? For they have not heard it.

Lord Ch. Just. He sayes, Mr. Ireland went with my Lord Aston in the Coach, it being a hot day, on Monday the 5th. of August, from Standen, my Lord Astons House in Hartfordshire to St. Albans, and lay there at the Bull-Inn that Night; that he went the next day, which was Tuesday, the 6th. of August, with them to Northampton. That he rode upon a pretty Horse, which makes him Remember it particularly; and that there

there was a dispute on the Road, who should buy him; and when they came back, his Brother bought him. He says, they lay on *Tuesday* night at *Northampton*, at the *George*, which was a Gentlemans House, which was turn'd into an Inn, because of the Fire: That we went with them the next day to *Coventry*, which was *Wednesday* the 7th. of *August*, and lay with them that night at the *Ball* in *Coventry*; and the next day, which was *Thursday* the 8th. they came, and *Ireland* with them, to my Lord *Astons* House at *Tixhall* in *Staffordshire*.

Mr. Att. Gen. Pray Sir *Edward Southcoat*, How long did he stay with you at *Tixhall*, at my Lord *Astons*?

Sir *Edward Southcoat*. He staid with us there till the *Tuesday* after; and then we began our Journey from my Lord *Astons* House in *Tixhall* into *Wales*, to *St. Winifreds Well*.

Lord Ch. Just. That is *Holy-Well*, you mean.

Sir *Edward Southcoat*. Yes, my Lord.

Lord Ch. Just. You say, he staid all *Fryday*, *Saturday*, *Sunday*, *Monday*, and till *Tuesday* after; you came to my Lord *Astons* at *Tixhall*.

Sir *Edward Southcoat*. Yes, my Lord, he did so.

Mr. Att. Gen. So then, my Lord, we are gotten to *Tuesday* the 13th. of *August*, which is past the time of the Perjury, that is laid second in the Indictment; but in point of time, is the first that happen'd; for he swore, that *Ireland* took his leave of him and others here in Town, between the 8th. and 12th. of *August*.

Mr. Sol. Gen. Where did you go on *Tuesday*, Sir?

Sir *Edward Southcoat*. Towards *Wales*.

Mr. Jones. Was he at *Tixhall* the 12th. of *August*?

Lord Ch. Just. He says, he was there till *Tuesday* the 13th. Pray let us not have the same questions repeated over and over against.

Mr. Sol. Gen. Where did you go on *Tuesday* night?

Sir *Edward Southcoat*. We went to *Nantwich*, and lay at the *Holy-Lamb* there.

Lord Ch. Just. Where were you the next night?

Sir *Edward Southcoat*. The next day we reached to *St. Winifreds Well*.

Lord Ch. Just. Where did you lie there?

Sir *Edward Southcoat*. At the *Star*, which is the great Inn there.

Lord Ch. Just. It is so.

Mr. Att. Gen. Was Mr. *Ireland* there with you?

Sir *Edward Southcoat*. Yes, he was. Mr. Att. Gen. Whether did ye go then?

Sir *Edward Southcoat*. We staid not but one day at *Holy-Well*; for we arrived there pretty late at Night; and all the Morning we spent there; and went away in the Afternoon, and came that Evening to *Chester*, and lay there only one night, and came the next day to *Tixhall* again.

Mr. Att. Gen. Which was *Fryday* the 16th. of *August*?

Mr. Sol. Gen. Pray, my Lord, be pleased to ask him, Whether this Gentleman Mr. *Ireland* was with them all the while, in this Journey to *Holy-Well*?

Sir *Edward Southcoat*. Every day particularly; I Remember it very perfectly.

Mr. Att. Gen. After he came to *Tixhall* again, How long did he tarry there?

Sir *Edward Southcoat*. That I cannot so well say. I do not remember truly, but he was afterwards at my Lord *Astons* at *Tixhall*. I remember some scrambling daies; but I can fix upon only two.

Lord Ch. Just. Which are they?

Sir *Edward Southcoat*. I cannot tell what day of the month it was, or what day of the Week; but one day that I remember him there, was Mr. *Cherwin's* Race with Sir *Henry Gough*; and one other day.

Lord Ch. Just. When was that Horse-Race?

Sir *Edward Southcoat*. My Lord, I cannot tell what day of the Month it was.

Mr. Att. Gen. When was the other time you speak of?

Sir *Edward Southcoat*. I remember him there one *Thursday*, upon the *Bowling-green* at *Tixhall*, where there was a particular Company.

Mr. Sol. Gen. My Lord, We desire to know, when his Brother did buy the Horse of Mr. *Ireland*?

Sir *Edward Southcoat*. When we came back; for he came home with us from my Lord *Astons*, and we began our Journey, the 9th. or 10th. of *September*, from *Tixhall* to *Kingston*; and when we arriv'd at my Fathers House, my Brother bought the Horse of him.

Lord Ch. Just. Did you come home back again with Mr. Ireland, do you say?

Sir Edw. Southcoat. Yes, my Lord, we did.

Lord Ch. Just. When did you set out from Tixhall?

Sir Edw. Southcoat. The Ninth of September, my Lord, I think it was; I am sure, it was upon a Monday, the Ninth or Tenth.

Lord Ch. Just. When did you come home?

Sir Edw. Southcoat. We were Four Days on our Journey.

Lord Ch. Just. And did you come straight to London?

Sir Edw. Southcoat. No, we went to my Father's House in Surry.

Lord Ch. Just. Which way did you come?

Sir Edw. Southcoat. The First Night we came to the Bull in Coventry; and from thence, the next Night, we went to the Altar-Stone at Banbury; and from Banbury, we came the Third Day to Agmondisham (I think, it is called,) a little Town in Buckinghamshire: And from thence, the Fourth Day, to my Father's House, by Kingston in Surry.

Mr. Att. Gen. And then Ireland sold his Brother his Horse.

Lord Ch. Just. How long was he at your Father's House in Surry, Sir Edward?

Sir Edw. Southcoat. My Lord, we came on the Thursday; and, as I take it, he went on the Saturday to London. My Brother, after he had bought his Horse, lent him the Horse to Town; and sent a Man with him, to bring it back again.

Mr. Att. Gen. That Saturday, my Lord, makes it come just to the Fourteenth of September; and is the very Day Fortnight before Michaelmas-Day.

Oats. My Lord, I desire to ask this Gentleman, Whether he saw Ireland all August, and till the Fourteenth of September, in Staffordshire, and elsewhere? and, How long in Staffordshire.

Sir Edw. Southcoat. I cannot say, as to any particular Days of the Months, after our Coming from Holy-Well, till our Coming from Tixhall to London.

Lord Ch. Just. Marry, if he did, he would contradict what he had said before: For from the time of Coming from Holy-Well, to the time of Coming back to London, he could tell but of Two Days, and those uncertain: For he remembers not by the Times, but by other particular Circumstances.

Oats. Pray, my Lord, be pleased to ask him this Question, When was the First Day he saw him in September?

Sir Edw. Southcoat. Truly, my Lord, I remember not any Day before we began our Journey home.

Mr. Att. Gen. But, my Lord, this is his Testimony: He was in his Company till the Thirteenth of August. It is true, there were other times, that he saw him at Tixhall; but he cannot particularly speak unto them: But by and by, we shall go on to every Day, and prove particularly where he was.

Oats. My Lord, I desire to know, Was Sir Edward Southcoat at the Tryal of Ireland a Witness, or no?

Sir Edw. Southcoat. No, I was not, my Lord.

Oats. Where you at Whitebread's Tryal, Sir?

Sir Edw. Southcoat. Yes, I was, and gave the same Evidence I give now.

Mr. Att. Gen. Then swear Mr. John Southcoat. (Which was done.)

Mr. Att. Gen. This is Sir Edward Southcoat's Brother, my Lord.

Lord Ch. Just. What, he that bought the Horse?

Mr. John Southcoat. Yes, my Lord, I bought the Horse of Mr. Ireland.

Lord Ch. Just. Well, what do you ask him?

Mr. Att. Gen. Pray, Sir, When did you meet Mr. Ireland in August, 1678? And where?

Mr. John Southcoat. My Lord, I met with Mr. Ireland upon Monday the Fifth of August, at the Bull in St. Albans, with my Lord Aston: I came thither that Day with my Father and Mother. And the next Day we went to Northampton; and there we Inn'd at the Sign of the George, Sir William Farmer's House; which is an House for the Road, used for an Inn since the Town was burnt: And I convers'd with him every Day, in our Journey. And from thence, the next Day, we went to Coventry, to the Bull Inn there; and from thence, to my Lord Aston (on Thursday-Night) at Tixhall: There we stay'd all Friday, Saturday, Sunday, and Monday. Mr. Ireland was there; I was with him all the while. And then upon Tuesday we set out for Holy-Well in Flintshire; and went that Night to Nantwich, to the Lamb there. And the

next

next Day we went through Chester to Holywell. We stay'd that Night at Holywell; and the next Day, came back again towards Shrewsbury, to Chester; and there lay that Night. And then the next Night, which was Friday, we came back again to Tixhall.

Lord Ch. Just. Was Mr. Ireland with you both those Journeys, all the while? and Mr. John Southcoat: Yes, my Lord, he was; I did see him, and rode with him every Day.

Lord Ch. Just. Pray, Sir, How long were you at Tixhall, after you came from Holywell?

Mr. John Southcoat: We stay'd there till we came away for good and all.

Lord Ch. Just. Was Mr. Ireland with you all that time?

Mr. John Southcoat: No, he was not.

Mr. Att. Gen. Do you remember that Mr. Ireland came to Tixhall the Ninth of September; and came along home with you, when you came?

Mr. John Southcoat: Yes, I do remember it very well.

Lord Ch. Just. What Day did you come home, Sir?

Mr. John Southcoat: We came home in four days.

Mr. Sol. Gen. When did he leave you?

Mr. John Southcoat: We came home upon Thursday, and he went to London on Saturday.

Lord Ch. Just. Pray, Sir, Can you recollect when you did last see him again at Tixhall, after you came from Holywell?

Mr. John Southcoat: My Lord, I cannot tell particularly any day, till the day we came away.

Lord Ch. Just. Do you remember the Horse-Match between Mr. Chetwinge and Sir Henry Gough?

Mr. John Southcoat: I was there, my Lord; but I do not remember, Mr. Ireland was there.

Lord Ch. Just. How long did he stay at your Father's House in Shrewsbury, Sir?

Mr. John Southcoat: Two Days, my Lord.

Mr. Sol. Gen. You lent him your Horse you bought of him, (I think, Sir?)

Mr. John Southcoat: Yes, up to London I did; and I sent my Man with him, to bring him back again.

Mr. Att. Gen. Has Mr. Oats any Questions to ask this Gentleman?

Oats. My Lord, I desire to ask Mr. Southcoat, Whether or no it is true, that Mr. Ireland was in his Company from the Fifth of August, to the Sixteenth of the same Month?

Mr. John Southcoat: Yes, every Day, I am sure of it; I remember it very well.

Oats. Pray, my Lord, ask him, Whether or no he testified this that he now swears, at Ireland's Tryal?

Mr. John Southcoat: My Lord, I was not at Ireland's Tryal.

Oats. Then I desire to ask him, Whether or no he did testify this, at the Five Points Tryal?

Mr. John Southcoat: No, I was not sent for to any of the Tryals.

Lord Ch. Just. I am sorry you were not, Sir, but what pity you were not there, who might have sav'd some Innocent Blood.

Mr. Att. Gen. Now I swear Harrison. (Which was done.)

Mr. Sol. Gen. Pray, will you give an Account, when you saw Ireland, and where?

Harrison. In the Year of our Lord 1678, my Master Sir John Southcoat, went with my Lady, on Monday the Fifth of August, to St. Albans; and we came with a Coach and Four Horses: For my Master had an old servant, that had a pair of Horses, which my Master made use of. And there we met my Lord Aston, in the Company of Mr. Ireland.

And the next Morning, my Lord Aston went with my Master and Lady towards Tixhall: And I rode by, in Mr. Ireland's Company; and came acquainted with him that Day.

That Night we came to Northampton, and there we lay at a Stone-House; that was us'd for the Inn, the Town being burnt before. The next Night we went to Coventry; and on Thursday we came to Tixhall: where we stay'd till Friday.

After when we went to Holywell; and the Tuesday-Night we lay at Nantwich. And thence we went to Holywell, and stay'd there till Wednesday Night: And on Thursday we came to West Chester, and I parted with him upon the Friday at West Chester.

Mr. Att. Gen. Pray, did you know this Ireland? Was it he, that was Tryed and Executed?

Harrison.

Harrison. I was at Mr. Ireland's Tryal.

Lord Ch. Just. Was it the same man that was Tried?

Harrison. My Lord, I saw him at his Tryal, the hair of his face was grown, and he was a little disordered; he did not look so well, because he was not so well dress'd; but it was the same man, my Lord.

Mr. Sol. Gen. Before this Man goes, we have more questions to ask him: When did you see him again, after you left him in Chester you say?

Harrison. I saw him several times at Tixhall, I saw him at the Bowling-green upon a Thursday; and I saw him when the Horse-Race was between Mr. Chetwin, and Sir Henry Gough; I cannot tell what day it was; for I had no reason to keep an account of the particular dayes at that time.

Mr. Att. Gen. Did you come up with your Master again the 9th. of September?

Harrison. My Lord, I did so; I have a Note wherein I set down the charges at that time. It is in this bit of paper, which I have kept in my Almanack ever since. My Lord Aston sent his Coach with us to Banbury, where my Masters Coach was to meet him; but came only to Coventry the first night. The next Night, which was Tuesday, we came to the Altar-Stone at Banbury, and there we lay. From thence on Wednesday, we came to Agmondisham, where we were ill Lodged. The next day we baited at Uxbridge, and came to Kingston, and so to Sir John Southcoat's House upon the Thursday night. Upon the Fryday, Mr. Ireland sold his Horse to Mr. John Southcoat, my Masters Son. Upon the Saturday morning, I came with him from my Masters House towards London; he did ride upon the Horse he had sold to Mr. Southcoat, and so we came up to Town, and took Water; and I took a little bagg that belonged to Mr. Ireland upon my arm, and we landed at Somerset-House, and I came with him to his Lodging in Russel-street; and when he came there, he went up stairs, where were two Women met him, and welcom'd him home: Said they, *We are glad you are come, we thought we had lost you, because we had never heard from you all this while.* There I took my leave of him, and did not see him again till his Tryal at the Old-Baily, and this was Saturday the 14th. of September.

Lord Ch. Just. Pray let me see your paper you speak of. (*Which was delivered in, and the Court lookt upon it.*)

Lord Ch. Just. Did you write this in your Journey?

Harrison. Yes, my Lord, I did write it at that time.

Mr. Att. Gen. Are the particular dayes inserted there, my Lord?

Lord Ch. Just. No, they are not, Mr. Attorney.

Harrison. I could not write well, it was only but Memorandums for my self.

Lord Ch. Just. What day of the Month was the Saturday he came to Town?

Harrison. It was the 14th. of September, my Lord.

Lord Ch. Just. That agrees with all that the Women said, that he came on Saturday a fortnight before Michaelmas, being the same day of the Week as Michaelmas-day was: Thus far it is as clear as the Sun at Noon-day.

Oats. My Lord, There was a time, when this was not believ'd.

Lord Ch. Just. Ay, Mr. Oats, we know there was a time, when there were Ignoramus Juries, and things were believed, and not believed, as the humour went. What can you Mr. Oats, say to it? I must needs tell you, *Prima Facie*, 'Tis so strong an Evidence, that if you have any sense in the World, you must be concern'd at it.

Oats. Not at all, my Lord; I know who they are, and what is the end of it all.

Lord Ch. Just. Upon my Faith, I have so much Charity for you, as my fellow-Creature, as to be concerned for you.

Oats. 'Tis not two straws matter, whether you be or no; I know my own Innocency.

Lord Ch. Just. Thou art the most obstinately hardened Wretch, that ever I saw.

Oats. Pray, my Lord, ask him, whether he did not appear at Mr. Ireland's Tryal? and let it be remembred what Credit he had then, for all this story he tells now. These People come here to serve a turn only, and care not what they swear against me.

Lord Ch. Just. You must hold your Tongue.

Oats. My Lord, I must speak the truth, and I will speak the truth.

Lord Ch. Just. I think, there is scarce a word of Truth comes out of thy mouth.

Oats. You may think what you will, my Lord; But these Popish Traytors, I am sure, will

will swear any thing, and stubborn Witnesses upon Witnesses against me, and to overthrow the Plot.

Mr. Just. *Withins*. If you cannot behave your self better than you do, we must send you elsewhere; we must not suffer this Behaviour: And therefore either be quiet, or get you gone.

Lord Ch. Just. Let him keep himself in order, and we'll hear him. If he think by Boisterous Impudency to out-face Justice, we will not suffer it. Go on, Mr. Attorney.

Mr. Att. Gen. Swear Mr. *George Hobson*. (*Which was done.*)

Mr. Sol. Gen. Were you in the Journey to *Tixhall* with Mr. *Ireland* and my Lord *Aston* in 78?

Hobson. Yes, I was so, my Lord.

Mr. Sol. Gen. Pray tell all your Knowledge of that matter.

Mr. Hobson. From the 3d. of *August* till the 16th. at night, I was present with him every day.

Lord Ch. Just. How do you know you were?

Hobson. That is to say, the 3d. of *August* he came to my Lord's House at *Standen* in *Hartfordshire* in the Evening, and there he remained till Monday the 5th. of *August*; and that day in the morning, he went together with other Company, to *St. Albans*, where we met Sir *John Southcoat*, and his Lady towards the Evening; and we all Lodged there, because that was the appointed place to meet at: We Lodged the 6th. of *August* at night at *Northampton*; upon the 7th. at *Coventry*; upon the 8th. at *Tixhall*, my Lord's House, where Mr. *Ireland* remain'd till Tuesday the 13th. in the Morning. And upon the 13th. in the morning, we set forth with my Lady *Aston*, my Lord's Mother, and Sir *John Southcoat*, and Mr. *Ireland*, and the other Company, towards a place called *Holywell* in *Flintshire*: That night, being Tuesday the 13th. of *August*; we Lodged at *Nantwich* in *Cheshire*; the Wednesday night we Lodged at *Holywell*, where Mr. *Ireland* was with the rest of the Company; and on Thursday night we returned back again to *Chester*; and lay there. Upon Friday we came back again to my Lord's House at *Tixhall*. After that I did not see Mr. *Ireland* till Monday the 26th. of *August*, when he came back again to our House: Where he went in the mean time, I cannot tell.

Lord Ch. Just. Whose House is it, that this man means by our House?

Hobson. I mean my Lord *Aston's* House at *Tixhall*.

Lord Ch. Just. You knew him very well, did not you?

Hobson. Yes, my Lord, I knew him very well.

Lord Ch. Just. You say, he came back the 26th. of *August* to *Tixhall*.

Hobson. Yes, as I remember; he did so.

Mr. Att. Gen. How long after the 26th. of *August* was it, that you saw him at *Tixhall*?

Hobson. When he went away for *London*. Mr. Att. Gen. When was that?

Hobson. The 9th. of *September*. Lord Ch. Just. Did you come a long with him to *London*?

Hobson. No, my Lord, I see him go; he was not in the Coach, but he was in the Company.

Oats. My Lord, I would fain ask him a question, When he was first acquainted with Mr. *Ireland*, that he speaks of?

Hobson. I never saw him till he came to my Lord *Aston's* at *Standen*.

Oats. Were you at the Tryal of Mr. *Ireland*, Sir?

Hobson. No, my Lord, I was not; I was then in *Staffordshire*.

Oats. Then it is material my Lord, for me to ask him this Question, it relating to a particular Person; whether *Ireland* that was Executed, was the *Ireland* he saies he was with?

Lord Ch. Just. I will ask him, if you will. Was that the same man that was afterwards Tried and Executed?

Hobson. I believe it was; my Lord.

Oats. I insist not so much upon the question, but only in reference to the Witness, his acquaintance being so short with him.

Lord Ch. Just. Truly I think it is not so very short; for he swears he was with him from the 3d. of *August* till the 16th. every day.

Mr. Just. *Withins*. I have no great Acquaintance with you; but I know you, Mr. Oats, because I have seen you so often.

Lord Ch. Just. Is it the same *Ireland* that was at the Tryal? You *Harrison*, you saw him then?

Harrison. The very same, and no other.

Mr. Just. *Withins*. Certainly, no Body doubts that.

Lord Ch. Just. 'Tis fit he should have his Question answer'd, if the Witness can. Pray go on, Mr. Attorney.

Mr. Att. Gen. Swear George North. (Which was done.) Pray, Will you give an Account, where you met Mr. Ireland, and whether you were with him in his Journey?

North. My Lord, I saw him the Fourth of August, which was Sunday, at Standen, my Lord Aston's House in Hartfordshire: Upon the Fifth, he went with my Lord to St. Albans; where my Lord met with Sir John Southcoat, and his Lady: and I was with them. And from thence we went on Tuesday, to the George at Northampton: And from thence, on Wednesday the Seventh, to the Bull at Coventry. And upon the Eighth, we came to Tixhall, which was Thursday. And from Thursday the Eighth, to Tuesday the Thirteenth, I did see him every Day at my Lord's House at Tixhall.

Lord Ch. Just. Whither went he then?

North. He went with my old Lady, and some other Company, to go to Holy-Well.

Lord Ch. Just. When did you see him again?

North. I did see him several times after that at Tixhall: But I took no particular Notice of him again, till he went away for London.

Lord Ch. Just. When was that?

North. I did see him the Ninth of September. He came to go with Sir John Southcoat to London: Mr. John Southcoat, and he. I took my Leave of him.

Oats. What Religion are you of, Sir? North. I am a Catholic, my Lord.

Oats. I desire to know, how he comes to remember this so well?

North. I waited at the Table; and he was every Day at Dinner with my Lord.

Oats. Were you at the Tryal of Ireland a Witness?

North. No indeed, my Lord, I was not.

Mr. Att. Gen. Swear Richard Ingletrap. (Which was done.)

Mr. Sol. Ger. Pray, will you give an Account, whether you knew Mr. Ireland? and where you saw him?

Ingletrap. The First of August, my Lord, I was ordered to be at Standen in Hartfordshire, to wait upon my Lord Aston, to go with him to Tixhall. And the Third of August, I saw Mr. Ireland there at Standen-Lodge at my Lord's House. The Fourth Day he rested there, being Sabbath-Day.

Mr. Att. Gen. What are you, an Hackney-Coach-man?

Ingletrap. Yes, my Lord, I am so. And upon the Fifth, which was Monday, he went with my Lord Aston to St. Albans; upon the Sixth, to Northampton; on the Seventh, to Coventry; and the Eighth day, to Tixhall-Lodge. He was in the Company, and went all the way with him; and I was there too.

Lord Ch. Just. How long did he stay there? Ingletrap. Till Tuesday the 13th.

Lord Ch. Just. Did you see him there till Tuesday?

Ingletrap. I do not say, That I did see him every Day.

Lord Ch. Just. Did you go with them on Tuesday to Holy-Well?

Ingletrap. No, I did not.

Mr. Att. Gen. But, my Lord, you observe, that is past one of the Times, that he swore Ireland was here in Town; that is, between the Eighth and Twelfth of August.

Lord Ch. Just. It is so.

Mr. Att. Gen. Pray, what Religion are you of, Mr. Ingletrap?

Ingletrap. I am a Protestant, my Lord?

Oats. Were you at the Tryal of the Five Jesuites, or that of Ireland?

Ingletrap. No, I was not.

Oats. My Lord, I desire you would ask him, he being a Protestant, How he came to be acquainted with Ireland, that was a Priest?

Lord Ch. Just. Why, Mr. Oats, Is there no Conversation to be between Papists and Protestants?

Oats. Truly very little, my Lord: But that is not to the Point now. I desire to have an Answer to my Question.

Ingletrap. There was no great Acquaintance between us, my Lord; for I never saw him before that time.

Mr. Att. Gen. Swear Andrew Wetton. (Which was done.) Did you go that Journey with my Lord Aston to Tixhall?

Wetton. No. I went from Tixhall to Holy-Well.

Mr. Att. Gen. What Day did you set out from Tixhall?

Wetton. Upon Tuesday the Thirteenth of August.

Mr. Sol.

Mr. Sol. Gen. Where did you lie that Night?

Wetton. At Nantwich, at the *Holy-Lamb*. And the next Day we baited at *Chester*: and from thence we came, the next Night, to *Holy-Well*: There we stay'd all Night, and till next Day at Noon. We din'd at *Holy-Well*, and came that Night back to *Chester*: And from thence, the next Day, we came home to *Tixhall*.

Lord Ch. Just. Was Mr. Ireland there all the while?

Wetton. Mr. Ireland was there, I look't after his Horse.

Lord Ch. Just. When did he come first to *Tixhall*?

Wetton. He came upon the Eighth, and stay'd till the Thirteenth; and then went to *Holy-Well*.

Mr. Sol. Gen. Pray, what Religion are you of? Wetton. I am a Protestant, Sir.

Mr. Att. Gen. And the Ninth of September he came away from *Tixhall* for London, you say?

Wetton. Yes. I saw them take Coach, and he did ride on Horse-back.

Lord Ch. Just. Did you see him often at *Tixhall*, between the time he came from *Holy-Well*, and the time he went to London?

Wetton. Yes, he was there several times; but I cannot tell the particular Days: But, my Lord, if you please, I can tell you the very Money he gave me, which was a Shilling, and two Six Pences, when we came back from *Holy-Well*.

Lord Ch. Just. And the Sixteenth, you say, he came back from *Holy-Well*?

Wetton. Yes, it was the Sixteenth, upon Fryday, that he came from *Holy-Well*.

Lord Ch. Just. And he says, The Ninth of September he came back again from *Tixhall* to London; and that he saw him several times, in the mean time, at my Lord *Aston's* House.

Mr. Sol. Gen. So, my Lord, we are past one of the Times; and have fixt him at *Tixhall* upon the Sixteenth.

Mr. Att. Gen. We have a couple of Witnesses more upon this Point, and then we shall go on to the Seventeenth; and so all along to the Ninth of September.

Mr. Att. Gen. Swear *Thomas Sawyer*. (Which was done.) When came Mr. Ireland to *Tixhall*? Can you tell?

Mr. Sawyer. He came the Eighth of August to *Tixhall*, and continued there till the Thirteenth: And then he went away; but whither he went, I cannot tell: But, as I was told, it was to *Holy-Well*.

Mr. Att. Gen. When did he come to *Tixhall* again?

Mr. Sawyer. When my old Lady *Aston* came home, which was Fryday the Sixteenth.

Mr. Sol. Gen. Do you know when he left *Tixhall* for good and all?

Mr. Sawyer. The Ninth of September, my Lord, he went with Sir *John Southcoat* to go to London.

Lord Ch. Just. Can you remember he was there at any time between the Sixteenth of August, and the Ninth of September?

Mr. Sawyer. He was once or twice there; but I cannot tell the particular Days.

Mr. Sol. Gen. What Perswasion are you of, as to Religion, Sir?

Mr. Sawyer. I am one of the Church of England, my Lord.

Lord Ch. Just. Truth is the same in all Perswasions.

Mr. Sol. Gen. But we would obviate Mr. Oats his Objection, That they are all Papists.

Mr. Att. Gen. Swear *Frances Allen*. (Which was done.) Pray, will you give an Account, when you saw Mr. Ireland in *Staffordshire*?

Mrs. Allen. He came the Eighth Day of August to *Tixhall*, and continued there the Ninth, Tenth, Eleventh, Twelfth, and to the Thirteenth in the Morning, and then he did go to *Holy-Well*.

Mr. Att. Gen. She will tell you one particular Circumstance, how she remembers him about that time.

Mrs. Allen. The Tenth of August was Saturday; and that which causeth me to remember it, is this; There was a Woman, one *Sarah Paine*, I think her Name was, which testified at the Tryal, That he was in Town at that time; but he was not: For he was at *Tixhall* upon the Tenth, which was Saturday; and the Eleventh, which was Sabbath-Day: And I saw him in the Chamber those Days.

Mr. Att. Gen. How came you to know him so well?

Mrs. Allen. I was a Servant to my Lord *Aston*, and look't to Mr. Ireland's Chamber, and wash'd his Linnen; and those Days I saw him in his Chamber.

Mr. Att. Gen. When he went from *Tixhall* to *Holy-Well*, the 13th. When did he come back again?

Mrs. Allen.

Mrs. Allen. The 16th. day, which was *Friday*.

Mr. Att. Gen. Did he come afterwards to *Tixhall* at any time?

Mrs. Allen. He went away the 17th. and I can tell you by a good token, that he did so: For the 17th. I carried his Cloaths into his Chamber, that he was to take with him.

Mr. Att. Gen. When did he come again to *Tixhall*?

Mrs. Allen. He came several times, but truly I cannot tell what dayes particularly.

Mr. Sol. Gen. Pray, when did he go away for good and all?

Mrs. Allen. I remember his going away with *Sir John Southcoat*, but I cannot tell the time.

Mr. Att. Gen. Pray what Religion are you of.

Mrs. Allen. I am a *Protestant* of the Church of *England*; so I was Christened, so I have lived, and so I hope to dye before you all.

Lord Ch. Just. Upon my word, she is very kind, she has a mind to dye before us: 'Tis a sign she lives a good life, she's so ready to die.

Mr. Att. Gen. So, my Lord, you see that the 17th. of *August*, he departed from my Lord *Astons*. Now we shall call *Mrs. Harwell* to give you an account, whether he went on the 17th. Swear *Mrs. Jean Harwell*. (Which was done.)

Mr. Sol. Gen. Where do you live, *Mrs. Harwell*?

Mrs. Harwell. I live now in *Town*, my Lord.

Mr. Sol. Gen. Where did you live in the Year 78? *Mrs. Harwell.* At *Wolverhampton*.

Mr. Sol. Gen. Did you know *Mr. Ireland*, he that was Executed?

Mrs. Harwell. Very well, my Lord.

Mr. Sol. Gen. What time did he come to your House at *Wolverhampton*?

Mrs. Harwell. The 17. of *August*, 1678. *Mr. Sol. Gen.* What day of the week was it?

Mrs. Harw. Upon *Saturday*. *Mr. Sol. Gen.* From whence did he say he came at that time?

Mrs. Harwell. I do verily believe it was from *Tixhall*, that he came; I cannot positively say.

Mr. Sol. Gen. How long stayed he there?

Mrs. Harwell. He came to my House the 17th. of *August*. 1678. He supped there that night, and I think he lay in my House every night till the 26th. of the same month. Upon the 19th. day, after Dinner, I went with him a good part of the Town of *Wolverhampton*; and upon *Friday* following, which was the 23d. he went a little way out of Town, to a Fair hard by; and return'd the same day; and stayed at my House the next day, being *Bartholomew-day*. The next day being the 25th. being (*Sunday*) he was at my House, and he stayed, as I said, every night, and lay at my House; and went away on *Monday*, the 26th. of *August*. It was to the best of my remembrance, in the morning.

Mr. Sol. Gen. Whether did he say he was going, when he went from your House upon the 26th?

Mrs. Harwell. I think to *Tixhall*, he said.

Mr. Sol. Gen. When did you see him again after that?

Mrs. Harwell. He returned to me again the 14th. of *September* following. That night he supped at my house, and lay there; and he stayed at my house *Thursday* the 5th. of *September*, *Friday* the 6th. and he went away on the 7th. from me for good and all.

Mr. Att. Gen. Whither did he go then?

Mrs. Harwell. To *Tixhall* I think, I cannot tell.

Mr. Att. Gen. Whence did he say he came, when he came last to your house; which was *Wednesday* the 4th. of *September*?

Mrs. Harwell. Then he said, he came from *Boscobel* and *Black-Ladies*, and that way.

Mr. Sol. Gen. Can you tell any thing that makes you remember he was at *Boscobel*?

Mrs. Harwell. I have some Circumstances, that make me believe, and remember it.

Lord Ch. Just. Ay, tell us what they are.

Mrs. Harwell. My Lord, upon *Monday* the 2d. of *September*, I heard *Mr. Ireland* would be at *Boscobel*, and I said to my Friend that told me so; Sure *Mr. Ireland* will not be there that night, and I so near him. Yes, said she, he will. Then, said I, I will write to him; and so I did. And I tell you the 4th. of *September*, which was *Wednesday*, he came to my House, and stayed that night, and the two next dayes with me, and went away upon the *Saturday* after.

Lord Ch. Just. You say, you did write to him upon the 2d. of *September*.

Mrs. Harwell. Yes, I did so.

Lord Ch. Just. What was the occasion of your writing to him at that time?

Mrs. Harwell. One *Madam Dormer*, was then in those parts, and he being gon a Visiting his Friends at *Black-Ladies*, I writ to him, and desired him to give her a Visit for I knew she would be glad to see him.

Lord Ch. Just. He came back to you the 4th. of *September*, you say.

Mr. Harwell. Yes, he did so, my Lord.

Lord

L. Ch. Just. Did he own upon the fourth of September that he had received your Letter?

Mrs. Harwell. He said he had been at the place, my Lord, but I know not whether he had receiv'd my Letter or no; but I am sure he waited upon my Lady; for she told me so afterwards.

Oates. I desire to know whether this Gentlewoman was at Ireland's Tryal?

Mrs. Harwell. No, my Lord, but I heard that upon the 17th of December following Mr. Ireland was try'd at the Old Bailey for High Treason. Upon the 19th, I was inform'd by the Post what was sworn against him; and particularly as to this time, which I knew to be false: and upon my own Cost and Charges I sent an Express away to Town here to a Friend that I knew, upon reading the Letter that was written to me, that Mr. Ireland was falsly accus'd; and by that Express also I sent a Petition, humbly beseeching his late Majesty, that we might bring in Witnesses to prove that Mr. Ireland was in Staffordshire, when Mr. Oates swore he was in Town; and upon that the King staid the Execution about five Weeks. We did hope for a second Tryal, but we could not obtain it; and he was executed.

Mrs. Harwell. I did it at my own Cost and Charges: for I thought it my duty, if I could, to save his Life, knowing that to be false which was sworn against him.

L. Ch. Just. She speaks gravely and soberly upon my word.

Mr. J. Withens. So she does indeed.

Mr. Att. Gen. We have abundance of them, my Lord. Swear Mr. William Rushton. (which was done.)

Mr. Soll. Gen. Tell my Lord what you know of Mr. Ireland's being at Mrs. Harwell's in August 1678; at Wolverhampton.

Mr. Rushton. My Lord, In the Month of August 1678, I did see Mr. William Ireland at Wolverhampton in the County of Stafford; and it was upon the 18th of August, and I saw him there from the 18th to the 25th, every one of the dayes but one, and that I cannot be positive in. He went that day to Litchfield, which was upon the 19th, as I take it; but I cannot be positive; but all the rest of the dayes I did see him there once, if not twice or thrice a day.

Mr. Att. Gen. Where did he lodge then?

Mr. Rushton. At Mr. Joffard's, or Mrs. Harwell's.

Oates. Were you at any of the Tryals of Ireland, or the five others, Sir?

Mr. Rushton. No, I was never at none till now.

Oates. Pray, my Lord, what Religion is this Gentleman of, I desire to know?

Mr. Rushton. Not of your Worship's Religion, Doctor Oates.

L. Ch. Just. But answer his Question.

Mr. Rushton. I am a Catholick.

Oates. A Roman Catholick he means, I suppose.

Mr. Rushton. Yes, I am a Roman Catholick, and a Loyal Subject.

Mr. Soll. Gen. Swear Mrs. Katherine Winford (which was done)

Mr. Att. Gen. Mrs. Winford, pray did you see Mr. Ireland at Mrs. Harwell's, the Year 1678.

Mrs. Winford. Yes I did Sir.

Mr. Att. Gen. Pray tell the Court what you do know of that Matter.

Mrs. Winford. I did hear at Wolverhampton, that Mr. Ireland came to Town the 17th of August, and I did see him there the 18th, and I did see him there the 19th, and I did see him there the 20th, and I saw him there upon the 21st, 22nd, 23rd, 24th, and 25th, and that was the last time I saw him there.

L. C. Justice. At Mr. Harwell's was it that you saw him?

Mrs. Winford. Sometimes at Mrs. Harwell's, and sometimes at my Father's House, who lived in that Town.

Oates. My Lord, I desire to know how she comes to remember those dayes so particularly.

Mrs. Winford. I remember them, because St. Bartholomew's Day was the 24th of August, and that was the Saturday after he came to Town; and the first day I saw him was the Sunday before, and so I reckon it to be on those dayes I saw him.

L. C. Justice. Have you any other Questions to ask her, Mr. Oates?

Oates.

Oates. No, my Lord, I have not; She was a Witness before at *Whitebread's* Tryal, and was not believed there.

L. C. Justice. We'll make your Remarques by and by, and let them now go on with their Evidence.

Mr. Solk Gen. Then I swear Mr. *William Stanley*, (which was done.)

Mr. Att. Gen. Pray, did you see Mr. *Ireland* at *Wolver Hampton*, and when.

Mr. Stanley. Upon the 18th of August 78. It was Sunday, I saw Mr. *Ireland* in *Wolver Hampton* in the Morning, and in the Afternoon he was in my own House. Upon Munday the 19th I saw him twice that Day at my own House; I positively speak that, and I verily believe I did see him on Tuesday the 20th, and Wednesday the 21th; but Thursday and Friday I cannot say I did see him those two daies; For he went upon one of them to *Litchfield*. But upon Saturday and Sunday I am sure I saw him, and two or three times some dayes.

Oates. Pray, Mr. Stanley, did you know him before?

Mr. Stanley. No, I did not, Sir.

Oates. Was you at his Tryal?

Mr. Stanley. No, I was not.

Oates. Were you at the five Jesuits Tryal?

Mr. Stanley. No, I was not in *London* since, till the last Term.

Oates. What Religion are you of Sir?

Mr. Stanley. What Religion are you of Mr. Oates?

L. C. Justice. Nay do not ask Questions, but answer the Questions he asks.

Mr. Stanley. I am a Roman Catholick.

Mr. Att. Gen. Mr. Stanley, Pray, can you Recollect any Circumstance how you came to remember that it was such and such Days that you saw him?

Mr. Stanley. Yes, my Lord, I can.

L. C. Justice. What are they, tell them us?

Mr. Stanley. I buried a Child that Morning, being Sunday the 18th of August, and he came to my House in the Afternoon, and I entertained him with those things that I had provided for to entertain my Friends at the Funeral. On a Monday was a Wake, and the young People went all to the Wake, and left *Madam Hamwell* alone, and so she came with him to my House, and I entertained him with the same kind of entertainment that I did the day before.

L. C. Justice. That is a remarkable Circumstance indeed!

Mr. Att. Gen. Swear Mrs. *Dorothy Purcell*, (which was done.) What say you, Mrs. Purcell, when did you see Mr. *Ireland* at *Wolverhampton*?

Mrs. Purcell. I saw him the 18th, 19th, 20th, 21th, 22th, and 23th days of August 1678.

Mr. Att. Gen. Where did you see him?

Mrs. Purcell. At a Friend's House in *Wolverhampton*.

L. C. Justice. How come you to remember those days of the Month?

Mrs. Purcell. I remember them by particular Circumstances.

L. C. Justice. What are those particular Circumstances? Let us hear them. How come you to name those very days, the 18th, 19th, and so on?

Mrs. Purcell. I can remember it as well as any thing in the World.

Oates. I tell you, my Lord, what she may tell how she does remember it.

Mrs. Purcell. That's enough, and as much as need to be said, I remember very well.

Oates. But I desire to know how you come to remember it.

Mrs. Purcell. I remember it, I tell you very well. And I do remember it.

Oates. But you do not tell what Circumstances you remember it by.

Mrs. Purcell. No, there is no need of it, I am sure I saw him those days.

Mr. Att. Gen. Tell him some Circumstances.

Mrs. Purcell. Those were the days before *Bartholomew Eve*.

Oates. My Lord, Is this any thing of Evidence?

L. C. Justice. The Jury hears it, and they will Consider of it.

Oates. I What Religion are you of Mrs. Purcell?

Mrs. Purcell. I tell you what Religion I am of.

L. C. Justice. Yes, answer his Question.

Oates. I dare say she is a Papist, she need not trouble the Court with her Answer.

Mr. Att. Gen. Swear Mr. Scot, (which was done.) Were you at *Wolverhampton* when Mr. Ireland was there.

Mr. Scot. Yes, I was.

Mr. Att. Gen. Did you do any Service for him there?

Scott. I look'd to his Horse.

Mr. Att. Gen. When did he come thither, do you remember?

Scott. I cannot tell just the time that he came in.

Mr. Att. Gen. What day of the Week was it that he came thither?

Scott. It was of a *Saturday*.

Mr. Att. Gen. What Month was it.

Scott. I cannot tell very well what Month it was; It was in *August* I think.

Mr. Att. Gen. How long did he continue there?

Scott. The space of a fortnight off and on.

Oates. Is that Evidence, my Lord, that he has delivered?

L. C. Justice. It is but very small Evidence. It is only Circumstantial to confirm the other Testimony.

Mr. Att. Gen. How long was it before Ireland was tryed and executed, can you tell that?

Scott. No, I know nothing of it.

Mr. Att. Gen. Then swear Mr. John Stamford, (which was done.)

Mr. Soll. Gen. Did you see Mr. Ireland at *Wolverhampton*, and when was it I pray you?

Mr. Stamford. My Lord, in the year 1675, I was sent beyond Sea to *St. Omer*, to fetch over two young Gentlemen that were Students there; And there I became acquainted with Mr. Ireland, who was then Procurator of the Jesuits at *St. Omer*. And in *August* 78. I did see him in *Wolverhampton*, upon the Sunday after the Assumption of our Lady; which was the 15th of *August*, he came to see me, and I saw him there that Day.

Mr. Justice. What day of the month is the Assumption of our Lady?

Mr. Stamford. That is alwayes the 15th of *August*, my Lord.

Mr. Att. Gen. How often did you see him there?

Mr. Stamford. I saw him Sunday and Munday, and till that seven Night, I saw him every day in that Week but one, when he went to *Litchfield*.

Oates. My Lord, I desire to know how he comes to remember that it was at that time.

L. C. Justice. He tells you a Reason for it, because it fell out to be upon the Sunday after the Assumption of our Lady, which is alwayes the 15th of *August*.

Oates. My Lord, he says he came acquainted with Mr. Ireland at *St. Omer*.

L. C. Justice. Yes, he says that was in the year 1675.

Oates. I desire to know, my Lord, what Business he had there.

L. C. Justice. He tells you, he went to fetch over two young men that were Students there.

Oates. Pray, my Lord, I desire to know what Religion he is of.

L. C. Justice. What Religion are you of?

Mr. Stamford. I am a Roman Catholick.

Oates. I desire to know what his Profession.

Mr. Stamford. I am a younger Brother, of a good and loyal Family as any of the County of *Stafford*, and that suffered as much as any for the late King.

Oates. I believe if it were looked into he is somewhat else besides a younger Brother.

Mr. Att. Gen. Yes, he says he is of a Loyal Family.

L. C. Justice. I am sure there is such a Family in that County that were great sufferers for King Charles the First, and the late King; and were very instrumental in Services for the late King, at his escape from *Worcester*. But whether he be of that Family or no I cannot tell.

Mr. Stamford. The Doctor thinks I am a Jesuite, but I'll assure him I have Wife and Children.

Mr. Att. Gen. Mr. Oates was about to have made him a Priest, but it seems he hath a Wife and Children, and is out of danger.

Mr. Soll. Gen. Pray swear Mrs. Fowler, (which was done.)

Mr. Att. Gen. Did you see Mr. Ireland, Mrs. Fowler, at *Wolverhampton*, in 1678?

Mrs. Fowler,

Mrs. Fowler. Yes, I did.

Mr. Att. Gen. When was it?

Mrs. Fowler. I did see him on Saturday the 17th of August at Wolverhampton, he came that day to my Mothers House, where I was.

Mr. Att. Gen. How long did he stay there?

Mrs. Fowler. Till the 27th, which was Munday was Sevensnight after, I was in his Company every day in that time unless it were Friday (which day they say he went to Litchfield to the Fair.)

L. C. Justice. Is Mrs. Harmell your Mother?

Mrs. Fowler. Yes, my Lord, she is, and I lived at that time with my Mother.

L. C. Justice. How do you remember this, have you any Tokens that you can give us, why you remember it was then?

Mrs. Fowler. My Lord, I recollected my self after Mr. Ireland's Tryal, in which Mr. Oates Swore that he was heat in Town between the 8th and 12th of August, that that was the very Month that Mr. Ireland was in Wolverhampton, and thereupon I concluded that Mr. Oates had not Sworn true by that Recollection when it was fresh in my memory, being within half a year after.

Oates. Madam, are you Mrs. Harmells Daughter?

Mrs. Fowler. Yes, I am so, Sir.

Oates. Did you not know one Mr. Jennison?

Mrs. Fowler. Which Jennison?

Oates. Mr. Robert Jennison.

Mrs. Fowler. Yes, I do know him.

Oates. Are you not a kin to him?

Mr. Fowler. Yes, but I am sorry to own I have such a Relation.

Mr. Att. Gen. Swear Mr. Gifford, (Which was done.)

Mr. Soll. Gen. Did you see Mr. Ireland in Staffordshire, and when, I pray you?

Mr. Gifford. I saw him there at Wolverhampton the 17th of August 1678, and he continued there till the 26th: I saw him there every day.

Oates. Pray, my Lord, be pleased to ask this Gentleman whether he were at the Tryal of Ireland.

Mr. Gifford. No, I was not in Court nor examined as a Witness.

Oates. Were you at the Tryal of the five Jesuites, Sir?

Mr. Gifford. I was there, but was not examined.

L. C. Justice. Was it every day, say you, that you saw him at Wolverhampton?

Mr. Gifford. Every day.

L. C. Justice. They say, he was one day out of Town at Litchfield.

Mr. Gifford. He was out of Town that day, but I saw him.

Mr. Att. Gen. Swear Mrs. Elizabeth Gifford, (which was done.)

Mr. Soll. Gen. You hear the Question, did you see Mrs. Ireland in Staffordshire in 78. and when?

Mrs. E. Gifford. Mr. Ireland came to Wolverhampton the 17th of August, and continued there till the 26th.

Mr. Att. Gen. How do you remember it?

Mrs. Gifford. By a Wake that was just hard by, that was at that time; and he came to my Uncles House upon the Sunday following the Assumption of our Lady.

Mr. Att. Gen. Did you see him every day till the 26th?

Mrs. Gifford. I remember I did see him every day, but two days, that I was abroad at the Wake.

Oates. My Lord, I desire to know whether She was examined at any of the former Tryals.

Mrs. Gifford. Yes, at the five Jesuites Tryal, I was.

Oates. Were you not at Ireland's Tryal?

Mrs. Gifford. No, I was not.

Oates. There was one Gifford examined there.

Mr. Att. Gen. Swear Mrs. Elizabeth Keeling, (which was done.)

Mr. Soll. Gen. Did you see Mr. Ireland at Wolverhampton, and when?

Keeling. Yes my Lord, I did see Mr. Ireland at Wolverhampton.

Mr. Soll. Gen. Pray tell when it was.

Keeling.

Keeling. It was the 17th of August he came to my Mistress House.

Mr. Soll. Gen. What August?

Keeling. August before the Plot.

L. C. Justice. Who was your Mistress?

Keeling. Mrs. Harwell, my Lord.

Mr. Soll. Gen. How long did he continue there?

Keeling. He came on the Saturday, and I saw him there till the Monday. When I was sent for to my Mothers Burying I left him and Madam Doomer at Dinner, and came back on the Thursday. And in his Chamber I heard him discourse, but I did not see him. Upon the Friday he went abroad, and returned again that Night. Upon the Saturday I saw him, and he continued there till Monday Morning, and then he went away, and returned on Wednesday the 4th of September, and stayed till Saturday the 7th; and then went away from Wolverhampton.

Oates. I desire to know what Religion this Woman is of.

Keeling. I am a Roman Catholick, God be thanked.

Mr. Att. Gen. Mrs. Keeling, When did Mr. Ireland return again do you say, after he went first to Wolverhampton?

Keeling. It was the Wednesday seven night after Sir.

Mr. Att. Gen. That was the 4th of September.

L. C. Justice. How long stayed he there then?

Keeling. Till Saturday in the Forenoon.

Mr. Att. Gen. Whither did he say he was going then?

Keeling. He said he went to Bellamour to Dinner.

L. C. Justice. Did you see him at any time after?

Keeling. No, my Lord, I saw him no more.

Mr. Att. Gen. Then I swear Mr. Richardson, (which was done.)

Mr. Soll. Gen. Pray Sir will you give an Account when you saw Mr. Ireland, and where in the year 78.

Mr. Richardson. My Lord, I saw a Gentleman that I was informed was Mr. Ireland, at Wolverhampton, at a Wake; which was Monday the 19th of August.

Mr. Att. Gen. Where did he lodge?

Mr. Richardson. At Mrs. Harwells.

Mr. Att. Gen. What are you a Tradesman?

Mr. Richardson. Yes, an Apothecary in Wolverhampton.

L. C. Justice. How many days did you see him at Wolverhampton?

Mr. Richardson. I saw him only one day in the Market place.

L. C. Justice. You did not know Mr. Ireland before?

Mr. Richardson. But I was inform'd that was he.

L. C. Justice. What became of that Ireland that you were inform'd was at Wolverhampton then?

Mr. Richardson. I heard presently after that, upon Mr. Oates's Plot, he was secured and Executed.

Mr. Att. Gen. What Religion are you of, pray Sir?

Mr. Richardson. I am of the Church of England.

Oates. Pray, Sir, I would ask you this Question.

Mr. Richardson. As many Questions as you please, Mr. Oates.

Oates. Who told you it was Mr. Ireland?

Mr. Richardson. Mrs. Harwell.

Oates. When was it she told you it was Ireland?

Mr. Richardson. To the best of my Remembrance, it was before he was apprehended as a Traytor.

Oates. He is uncertain when he was told so.

L. C. Just. Well, make what Advantage you can of it by and by.

Mr. Att. Gen. Swear Mrs. Eleanor Graves, (which was done.)

Mr. Soll. Gen. Pray Mistress did you see Mr. Ireland at Wolverhampton at any time?

Mrs. Graves. Yes, I did my Lord.

Mr. Soll. Gen. When was it?

Mrs. Graves. The first time ~~was~~ six years ago, in August it is now going on seven years since.

Mr. Att. Gen. What time in August was it?

Mrs. Graves. The first day was the 20th, or 21th, I am sure I saw him upon the 22th; for I din'd with him, and was with him all the Afternoon; and sup'd with him. Upon the 23th we went to Litchfield together, which was Bartholomew Eve. And I saw him the 25th, which was Sunday after.

L. Ch. Just. Are you sure it is the Ireland we are now speaking of?

Mrs. Graves. They said it was the same Mr. Ireland that was executed. They call'd him so.

L. Ch. Just. Nay, there is no great doubt, but only for Mr. Oates's Satisfaction.

Mr. Att. Gen. At whose House did he lye at Wolverhampton?

Mrs. Graves. At Mrs. Harwells.

Mr. Att. Gen. Where was it you sup'd with him, I pray you?

Mrs. Graves. He din'd and sup'd at a Relations House of mine.

L. Ch. Just. Who was that? Name him?

Mrs. Graves. It was at my Uncle VVinfords.

L. Ch. Just. Did you go along with him to Litchfield do you say on the 23th?

Mrs. Graves. Yes, and so did my Uncle; and at Night we came back together.

Mr. Soll. Gen. What Religion are you of Mistress?

Mrs. Graves. I am of the Church of England.

Oates. My Lord, I desire to ask her, how did she know it was the same Ireland that was tryed.

Mrs. Graves. It was the same Ireland that they said was afterwards executed. I know no more.

Mr. Soll. Gen. Did you go back with him to Mrs. Harwells from Litchfield?

Mrs. Graves. I did, to my Uncle VVinfords House.

Mr. Att. Gen. Now we come, my Lord, to another Period of time, which is from the 26th of August, to the 29th; and for that we first call Sir Thomas VVhitegrave: who is a Justice of the Peace, and a worthy Gentleman; a Member of the Church of England in that County. Swear him, (which was done.)

Mr. Soll. Gen. Pray, Sir Thomas, will you be pleased to give the Court an account whether you saw Mr. Ireland in Staffordshire, 1678, and what time it was?

Sir Thomas VVhitegrave. I saw Mr. Ireland upon the 29th of August before the Popish Plot; It was upon a Thursday in the Afternoon upon Tixhal Bowling green; and I discoursed with him; he told me he was to go home that Night with Sir James Simmons, and Mr. Heveningham. They told me afterwards he went on Saturday to Hilderham, and went thence on Monday following towards Boscobel; Sometime after that, a Rumor came down that Mr. Ireland was accused with others, of being in a Plot of the Papists; and my self and some others that were in Commission for the Peace in that County, did reflect upon the time that Ireland was in the Country, and we were a little disturbed, because he had been at particular Places among our Neighbours, whom we knew to be Catholicks.

Mr. Att. Gen. Can you remember no day but that one, Sir Thomas?

Sir Thomas VVhitegrave. Only the 29th I saw him there, and discours'd with him; and afterwards there was Word sent to me, to desire me that I would come up to London at his Tryal.

L. C. Justice. And did you come up, Sir Thomas?

Sir Tho. VVhitegrave. No, I did not; I had no Subpenna; and being a Justice of the Peace, I did not think fit to leave the Country at that time without a Subpenna.

Oates. My Lord, I desire to know of this Gentleman, how long he had been acquainted with Mr. Ireland.

Sir Tho. VVhitegrave. I Never saw him before, nor since.

L. C. Justice. He goes no further then the 29th.

Mr. Att. Gen. No, my Lord, he does not. Then swear Mr. William Fowler, (which was done.)

Mr. Soll. Gen. Pray will you give an Account when you saw Mr. Ireland, and where?

Mr. Fow-

Mr. Fowler. I saw Mr. Ireland upon the 27th of August 78. in Staffordshire, at a Horse Race at Etching-hill. The Race was run between Sir Henry Gough, and Captain Chetwine.

Mr. Sol. Gen. Did you see him any other Day in that Month?

Mr. Fowler. Yes, the 29th of August I saw him at Tixhall Bowling-green.

Mr. Sol. Gen. When else did you see him?

Mr. Fowler. I saw him the 10th of August before.

Mr. Sol. Gen. Where, at Tixhall, at my Lord Aston's House?

Mr. Att. Gen. Do you remember Sir Thomas Whitegrave was upon the Bowling-green the 27th of August?

Mr. Fowler. Yes, he was, and did discourse with Mr. Ireland there.

L. C. Justice. What became of Mr. Ireland afterwards?

Mr. Fowler. He went about the Country for some time, my Lord.

L. C. Justice. Was it the same Ireland that was executed?

Mr. Fowler. Yes, it was the same.

L. C. Justice. You say you saw him the 29th, at Tixhall Bowling-green?

Mr. Fowler. Yes, I did so.

L. C. Justice. When you heard he was taken up for the Plot, What did they say whither he went at that Time?

Mr. Fowler. I think he went to Mr. Heveningams, or thereabouts.

Oates. I would fain know this Gentlemans Religion.

Mr. Fowler. I am a Roman Catholick.

L. C. Justice. We ask it only because Mr. Oates desires to be satisfied in that point.

Mr. Att. Gen. Pray swear Mr. Howard, (which was done.)

Mr. Sol. Gen. What time in August 78, did you see Mr. Ireland in Staffordshire, and where?

Mr. Howard. I came out of Shropshire upon the 27th of August, to the Horse-race at Etching-hill; and there I saw this Mr. Ireland upon the 28th. I dined at one Mr. Herbert Aston's House at Bellamore, and there I saw him again.

Mr. Att. Gen. What other time did you see him?

Mr. Howard. Never any other time.

Oates. How does he know it was the same Mr. Ireland?

Mr. Howard. I came up to Town soon after, and they told me that knew him, that it was the same Ireland that suffered.

Mr. Att. Gen. Swear Mr. Drayton, (which was done.)

Mr. Sol. Gen. Where did you see Mr. Ireland?

Mr. Drayton. At Etching-hill Race.

Mr. Att. Gen. What day was that?

Mr. Drayton. That was the 27th of August, 1678.

Mr. Att. Gen. When did you see him after?

Mr. Drayton. The next day following I did not see him, but the Thursday following I saw him at Tixhall, and he went home with Mr. Heveningham to Aston, and I saw him on Friday, he was with us there; and went a fishing, and we caught a great Pike of yard long; which was not ordinary with us. Upon the 31st, which was Saturday, my Master went to kill a Buck in the Park, and Mr. Ireland went along with him; and they went to a little Village hard by, and there I parted with him, and did see him no more that day. Mr. Gerrard of Hildersham was to meet my Master a hunting, but he was sick, and did not. Then upon Sunday the first of September, I was sent to see Mr. Gerrard of Hildersham, and there I saw Mr. Ireland.

L. Ch. Just. Who was your Master pray you?

Mr. Drayton. This Lord Gerrard of Bromeleys Father.

Mr. Att. Gen. He was accused by Dugdale of the Plot, and dyed afterwards in Newgate.

Oates. Pray ask Mr. Drayton what Religion he is of.

Mr. Drayton. I am a Roman Catholick.

Mr. Att. Gen. Swear Sir James Simmons, (which was done)

Mr. Sol. Gen. When did you see Mr. Ireland, Sir James?

Sir J. Simmons. Upon the Tuesday the 27th of August 78. I remember very well, I saw Mr. Ireland at the Horse-race at Etching-hill, between Sir Henry Gough, and Mr. Chetwin; and I remember particularly, that Sir Henry Gough's Horse distanc'd him. I did not see him before he came to the Inn, but there we met, and drank together. And Thursday the 29th of August, being at Tixhall Bowling-green, Mr. Ireland was there, and came home with my Father Heveningham and me, and some Gentlemen in the Country: and came to Aston, and stay'd there that Night. I remember the next day was Pancrass Fair, and I went to the Fair, and did not come home.

Mr. Att. Gen. What day of the Month is that Fair usually kept?

Sir J. Simmons. It is an unconstant time; now and then in September, now and then in August; and that year we had a Subscription to get it regulated to a certain day.

L. Ch. Just. Did you see him after?

Sir J. Simmons. My Lord, I cannot swear to the Saturday, because I cannot so well tell whether I came back from the Fair on Friday Night, I think I did not.

Mr. Att. Gen. Swear Mr. Green, (which was done.)

Mr. Soll. Gen. Did you know Mr. Ireland?

Mr. Green. Yes, my Lord, I did.

Mr. Soll. Gen. When did you see him in 78?

Mr. Green. The first time was Etching-hill Race, the 27th of August.

Mr. Soll. Gen. What other dayes do you remember?

Mr. Green. Thursday the 29th, I saw him; I belong to Sir James Simmons, and Mr. Ireland came home with him, and some other Gentlemen to Mr. Heveningham's at Aston; and was a setting with him on Friday the 30th in the Afternoon. And Saturday the 31st, he was a hunting with Mr. Gerrard. Nay, more then that, I saw him drawn on the Sledg, but not executed. And that was the same man that was there at that time.

Oates. What Religion is this Gentleman of?

Mr. Green. I was ever a Roman Catholick.

L. Ch. Just. Pray were they a fishing that Day?

Mr. Green. In the Morning he was, and they got a great Pike; I saw the Pike, and did eat part of it.

Mr. Att. Gen. Swear Mr. Falias, (which was done.)

Mr. Soll. Gen. When did you see Mr. Ireland, Sir?

Falias. Upon the Thursday after Sir Henry Gough's race, which was Thursday the 29th of August; Mr. Ireland came to Mr. Heveningham's, and I look'd to his Horse there. Upon Friday Morning they went a fishing, and got a great Pike; and I did see them go out a setting after Dinner, he and Mr. Green, with my Lady and the Keeper; and I saw him come in again. And I saw him drink a Glas of Table Beer in the Hall. Upon Saturday Morning, which was the 31st of August, they went a hunting in Mr. Gerrard's Park, and kill'd a Buck; and afterwards my Master asked him to go home with him again, but he would not. For he said he must go to Mr. Lowe at four, and we parted at three. And I came here, and saw him executed; but while he was at my Master's House, his Horse was never out of the Stable; but I brought it to him.

Mr. Att. Gen. When did you see him executed?

Falias. It was the 24th of January afterwards, I think.

Oates. What Religion are you of?

Falias. I am for the Church of England, a Protestant, I alwayes was so.

Mr. Soll. Gen. Is that all you have to say?

Falias. Yes, my Lord, that is all.

Mr. Soll. Gen. Is that all you have to say?

Falias. Yes, my Lord, that is all.

Mr. Soll. Gen. Is that all you have to say?

Falias. Yes, my Lord, that is all.

Mr. Soll. Gen. Is that all you have to say?

Falias. Yes, my Lord, that is all.

Mr. Soll. Gen. Is that all you have to say?

Falias. Yes, my Lord, that is all.

Mr. Soll. Gen. Is that all you have to say?

Falias. Yes, my Lord, that is all.

Mr. Soll. Gen. Is that all you have to say?

Falias. Yes, my Lord, that is all.

Mr. Soll. Gen. Is that all you have to say?

Falias. Yes, my Lord, that is all.

Mr. Soll. Gen. Is that all you have to say?

Falias. Yes, my Lord, that is all.

Mr. Soll. Gen. Is that all you have to say?

Falias. Yes, my Lord, that is all.

Mr. Soll. Gen. Is that all you have to say?

Falias. Yes, my Lord, that is all.

Oates. Pray, my Lord, ask him when he was acquainted with Mr. Ireland ?

Fallas. The first time was the 29th of *August*, when he came to my Masters House.

Oates. That does not come to my time, my Lord.

Mr. Att. Gen. But it comes very close to it ; it reaches to the 31th of *August*.

L. C. J. It is within a day of you, upon my word.

Mr. Soll. Gen. And I'll tell your Lordship what is yet more considerable ; this place is an hundred and twenty miles from *London* : but we shall not leave him there.

Oates. I desire to know whose Servant he is.

Fallas. I am a Servant to Mr. *Heveningham*, and I serve the King ; I come to testify the Truth. I was here before, but then we must not be heard ; all the cry was against us, that we were Rogues, and must be knockt on the head.

L. C. J. Were you here at any of the Tryals.

Fallas. I was at the Council-Table, and there I was in great danger of being knockt on the head.

Oates. Would they have knockt him on the head at the Council-Table, does he say ?

Fallas. I have been in the Room by the Council-Table, where they have cryed, Knock them down, hang them Rogues ; do they come to be Witnesses against the Saviour of the World ? And they came about me there, and asked me if I knew any of them, or was of their company ? And I was glad to say I came thither about a Suit of Law I had with a Brother of mine ; and then they pitied me.

Mr. Soll. Gen. Now we have brought him, my Lord, every night where he lodged from the 3d of *August* to the 31th.

Mr. Att. Gen. And then we shall prove that he went to Mr. *Gerrards* at *Hildersome* that they speak of ; there he was the 31th and 32th-----

L. C. J. How, Mr. Attorney, the 32th ? I doubt you will hardly be able to tell us where he was that.

Mr. Att. Gen. The First of *September* I mean, my Lord.

L. C. J. Aye, we understand you very well.

Mr. Att. Gen. Swear Mr. *John Proctor*. (*Which was done.*)

Mr. Soll. Gen. When did you see Mr. *Ireland*, in 78 ?

Proctor. I saw him the 31th of *August* 78.

Mr. Soll. Gen. Where ? Proctor. At *Fulford*.

Mr. Soll. Gen. At whose House. Proctor. At Mr. *Lowe*s.

Mr. Soll. Gen. That was the place the other Witness said *Ireland* told him he was to be at Four of the Clock, and therefore went away at Three.

Mr. Att. Gen. When did you see him afterwards ?

Proctor. I saw him the next day, the 1st of *September*.

Mr. Att. Gen. Where ? Proctor. At *Esquire Gerrards*.

Mr. Att. Gen. How far is that from Mr. *Lowe*s ?

Proctor. It is a mile and a half.

Mr. Soll. Gen. Did you see him afterwards ? Proctor. Not there I did not.

Mr. Att. Gen. What Religion are you of ? Proctor. I am a Protestant.

L. C. J. What did you hear became of that *Ireland* afterwards ?

Proctor. I saw him Executed at *Tyburn* afterwards, and it was the same Man.

L. C. J. Where did you live then ? Proctor. I lived at *Fulford* then.

L. C. J. What, with Mr. *Lowe* ? Proctor. Yes, my Lord.

Oates. It seems he was a Servant to a Papist.

L. C. J. What then, what of that ?

Oates. My Lord, I desire you would ask him whether he ever saw *Ireland* before the 31th of *August* which he speaks of ?

Proctor. No, I did not.

L. C. J. But you are sure it was the same man you saw Executed ?

Proctor. Yes, I am sure of it.

Mr. Soll. Gen. What Circumstance can you tell that he was the First of *September* at Mr. *Gerrards* ?

Proctor. I went to dinner thither that day : I Rode before *Madam Brooke*.

L. C. J. What day of the Week was that First of *September* ?

Proctor. It was upon a Sunday, my Lord.

Mr. Att. Gen. Was that about *Pancrass-Fair-time* ?

Proctor. Yes, my Lord, it was.

Mr. Soll. Gen. He can tell you another circumstance how he comes to remember him at Mr. Lowes the 31th of August.

L. C. J. Aye, by what Token do you remember that he was there the 31th of August?

Proctor. I went that day to pay some Money, and came home again in the Afternoon; and just as I came in, he came thither.

Oates. How does he say he knows him to be the same Man?

L. C. J. He has told you twice he saw him Executed.

Oates. What Religion is he of does he say?

L. C. J. He is a Protestant.

Mr. Att. Gen. Then Swear Mr. John King. (*Which was done.*)

Mr. Soll. Gen. Pray do you acquaint the Court and the Jury where you saw Mr. Ireland, and when.

Mr. King. I saw Mr. Ireland at Mr. Gerrards of Hildersome the First of September that year that the Plot broke out, which was in the year 78. There I saw him on Sunday; there he stayed all night, and so did I; and on Monday-morning I went to Mrs. Cromptons where I liv'd, and he came thither to Millage as soon as I, which is within a mile of Hildersome, and dined there the same day.

L. C. J. How far is that from London, pray you?

Mr. King. An hundred and ten miles.

L. C. J. And he was there at Dinner, you say?

Mr. King. Yes, he was.

L. C. J. How long was it before Dinner was done?

Mr. King. I believe he might go thence about Two of the Clock.

L. C. J. Where did he say he designed to go then?

Mr. King. He designed to go to Boscobel that night.

L. C. J. Do you remember any body else was at Mr. Gerrards then when you saw him?

Mr. King. Yes, Mr. Ferman Drayton was at Hildersome at that time.

Oates. Pray, what Religion is this Gentleman of?

Mr. King. I am a Roman Catholick, Mr. Oates.

Mr. Att. Gen. Pray, Swear Mr. Francis Lee. (*Which was done.*)

Mr. Soll. Gen. Pray, tell my Lord and the Jury where you saw Mr. Ireland, and when.

Lee. I was a Servant to Mr. Gerrard, and Mr. Ireland upon Saturday-night came to my Masters House, and stayed all night and all day on Sunday, and went away on Munday to Millage.

L. C. J. What time and what year was it?

Lee. It was in 78; but I am not certain of the day of the Month: It was on a Saturday he came, and I have Witnesses to prove I was there at that time.

L. C. J. What Month was it?

Lee. It was in August, as I think, the last day, but I am not certain. And he went on Monday to Millage, and there dined at Mrs. Cromptons; and from thence he went to Pancrass, and thence he did go to Boscobel, and stayed all night there.

Mr. Att. Gen. That was the Second of September.

L. C. J. How do you know he went to these places?

Lee. I was told so.

Oates. My Lord, I desire to know how long this man was acquainted with Ireland before?

Lee. I never saw him but at that time.

Oates. How does he know it is the same man then?

Mr. King. Here is a man that saw me with him, and was present at Irelands Execution.

L. C. J. Who is that, Proctor?

Mr. King. Yes, my Lord.

L. C. J. Then call Proctor again, (*who came in again*) Who went along with you to Dinner on Munday?

Lee. My Lord, he did see me at Hildersome at Mr. Gerrards.

L. C. J. What say you, Proctor, was this Gentleman there at that time?

Proctor. Yes, my Lord, I did see him there.

L. C. J. Was that the same man that was Executed, which you saw at Mr. Gerrards?

Proctor. Yes, it was.

L. C. J. Did you dine with Mr. Ireland on Munday at Mrs. Cromptons?

Lee.

Lee. Yes, my Lord, I did, and went afterwards with him to *Pancrass*, and stayed there two hours, and then he went to *Boscobel*.

Mr. Soll. Gen. There are the two days gone which Mr. Oates swore to, and in which he was so positive that it was either the first or second of *September*.

Mr. Att. Gen. Then Swear Mr. Biddolph. (*Which was done.*)

Mr. Soll. Gen. Pray, Sir, when did you see Mr. Ireland, and where?

Mr. Biddolph. My Lord, I was in *Staffordshire* the latter end of *August*, and the beginning of *September*, and I was at Mrs. *Cromptons* House, which is my Aunt, the Second of *September*, being Munday, where I saw Mr. Ireland and dined with him that day; and after dinner he went with Mr. *Gerrard's* Son who was to go to School to *Boscobel*: And I will give your Lordship a particular circumstance that may satisfy you that I am not mistaken in the time: As I came thorough *Northamptonshire* that Summer, I was at my Lord *Cullens*, and he desired me to be at a Horse-Race at *Newton-Slade*, where there is a Plate always Run for upon the first Thursday in *September*, and that year it was the 5th of *September*. Now when I dined at my Aunt *Cromptons*, she would have had me staid all night at her House, but I excused my self, and told her I had promised to come to my Lord *Cullen* to be at the Race, and I must needs be there before, to be as good as my word to my Lord; and therefore I went away to *Pancrass*; and so on my Journey otherwise I had stayed with my Aunt all night: And I am sure this was Munday before this Horse-Race.

Oates. My Lord, this Gentleman speaks to no year particularly.

Mr. Biddolph. It was in 1678, the year before Mr. Oates's Plot broke out.

Mr. Att. Gen. Now we will call Mrs. *Crompton*: Swear her. (*Which was done.*)

Mr. Soll. Gen. Pray, when did you see Mr. Ireland, Mrs. *Crompton*?

Mrs. *Crompton*. He was at my House at *Millage* in *Staffordshire* at Dinner, the same day that my Nephew *Biddolph* did dine there: As for the day of the Month I cannot so well tell it, because when my Friends dine with me, I do not use to note down the day particularly; but it was, I remember, a pretty remarkable time, for it was about *Pancrass-Fair*. Mr. *Gerrard* of *Hildersome* came with him, and Mr. Ireland being a Stranger, I asked who he was, and they told me it was Mr. Ireland: He never was at my House before nor after; he was a meer Stranger to me.

L. C. J. What day was it say you?

Mrs. *Crompton*. It was the same day my Nephew *Biddolph* dined there.

L. C. J. Was it Munday the second of *September*, do you remember?

Mr. Att. Gen. He says he was at her House at *Millage* that day, and she says it was the same day he dined there.

Mrs. *Crompton*. But I never note down the particular days when my Friends dine with me, except I had particular occasion to do it, as I had none at this time.

Oates. My Lord, I desire to know what Religion this old Gentlewoman is of.

Mrs. *Crompton*. I am a Roman Catholick, my Lord.

Mr. Att. Gen. Swear Mrs. *Palmer*. (*Which was done.*)

Mr. Soll. Gen. Mrs. *Palmer*, where did you see Mr. Ireland?

Mrs. *Palmer*. I was at dinner at Mrs. *Cromptons* at *Millage*, where there was a Gentleman called Mr. Ireland that did dine there.

L. C. J. When was it?

Mrs. *Palmer*. I cannot tell truly what day it was.

L. C. J. Who was there besides you at dinner that day?

Mrs. *Palmer*. 'Tis so long since I cannot remember.

L. C. J. Was Mr. *Biddolph* there?

Mrs. *Palmer*. Not that I remember, my Lord.

L. C. J. What do you bring her for, Mr. Attorney?

Mr. Att. Gen. She dined there that day it seems; but if she cannot remember it, I cannot help it.

L. C. J. But these kind of Witnesses do but slack your proof.

Mr. Soll. Gen. My Lord, I think we do ever do our Business indeed.

Mr. Att. Gen. We have one Witness more to this point, and that is Mrs. *Mary Holmes*; Swear her. (*Which was done.*) Where did you see Mr. Ireland in the year 78.

Mrs. *Holmes*. I saw him at *Millage*, my Lord.

L. C. J. When?

Mrs. *Holmes*. The first or the beginning of *September*, I am sure.

Mr. Soll. Gen. What day of the week was it?

Mrs. *Holmes*. Munday.

L. C. J.

L. C. J. You have proof enough of this, Mr. Attorney General.

Mr. Att. Gen. Truly, I think so, my Lord.

Mr. Soll. Gen. Pray swear Mrs. Esther Gifford. (*Which was done.*) Mrs. Gifford, when did you see Mr. Ireland?

Mrs. Gifford. Upon the second of September 78 I saw Mr. Ireland, above a hundred miles from this place.

Mr. Soll. Gen. Where? Mrs. Gifford. At Pancrass.

Mr. Soll. Gen. What time of the day was it?

Mrs. Gifford. In the Afternoon about Four or Five a Clock.

Mr. Soll. Gen. Did he stay there all night? Mrs. Gifford. I cannot tell indeed.

Mr. Att. Gen. Swear Mr. Pendrel. (*Which was done.*)

Mr. Soll. Gen. Now, my Lord, we are come to the second of September in the Evening; we shall prove where he was that night and the third, and then we shall return to the fourth of September, when Mrs. Harwel swears he came back to Wolverhampton.

Mr. Harwel. When did you see Mr. Ireland, Mr. Pendrel?

Mr. Pendrel. I saw him upon the second of September.

Mr. Att. Gen. Where did you see him?

Mr. Pendrel. At Boscobel at my House, there he lodged with me that night.

Mr. Soll. Gen. In what year was it? Mr. Pendrel. In the year 1678.

Mr. Att. Gen. Was it the September before the Plot, and before Mr. Ireland was Executed.

Mr. Pendrel. Yes, my Lord, it was.

L. C. J. Did you know him before?

Mr. Pendrel. No, I did never see him before as I know of.

L. C. J. How long did he stay there?

Mr. Pendrel. He stayed that night and the next day all day, and went away the 4th of September to Black Ladies.

Mr. Soll. Gen. Whose house is that? Mr. Pendrell. It is Mr. John Gifford's.

L. C. J. You say you live at Boscobel; did you hear any thing of a Letter came to your house for Mr. Ireland?

Mr. Pendrell. Not that I know of, my Lord, there was not any that I remember.

Mr. Att. Gen. Then swear Mrs. Pendrell, (*which was done.*)

Mr. Soll. Gen. Pray, Mistriss, will you give an account where you saw Mr. Ireland.

Mrs. Pendrell. I saw him at Boscobel, at the Royal Oak; he came there the second day of September.

Mr. Soll. Gen. Can you tell what year it was?

Mrs. Pendrell. It was the first beginning of the Plot.

Mr. Soll. Gen. How long did he stay there?

Mrs. Pendrell. He staid Tuesday, and Wednesday, he went to Black Ladies, and so away to Wolverhampton.

Mr. Soll. Gen. We have but one Witness more, my Lord, for Wednesday the fourth of September, and then we have done. Swear Mr. Charles Gifford, (*which was done.*) When did you see Mr. Ireland?

Mr. C. Gifford. May it please your Lordship, I saw Mr. Ireland at my Fathers house at Black Ladies-----

Oates. My Lord, I would ask Mrs. Pendrell a Question before she goes: Whether she was not a Witness at the five Jesuits Tryal?

Mrs. Pendrell. I was in Court, but they would not suffer me to swear.

Oates. Did she not give Evidence there?

L. C. J. She was examined, but she could not be sworn, because she came to testify against the King in a Capital Cause.

Mr. Att. Gen. Pray what say you, Mr. C. Gifford?

Mr. C. Gifford. My Lord, I say I saw Mr. Ireland at my Fathers house at Black Ladies, and he staid there an hour and a half, and went thorough Chillington, and said he would go to Wolverhampton.

Mr. Att. Gen. What day of the month was it?

Mr. C. Gifford. I am morally certain, it was the fourth of September, and so he went to Wolverhampton, as I am informed. He came to our house to see a Lady that was there.

L. C. J. What Lady was it? Mr. C. Gifford. It was one Madam Wells.

Mr. Soll. Gen. Thus, my Lord, we have lodged him the fourth of September at Wolverhampton,

hampton, when Mrs. Harwell says, he returned to her ; and so, my Lord, we have given an account where he was from the third of *August*, to the 14th of *September*.

Mr. Soll. Gen. We have prov'd where he was every day in that time, but onely the 8th of *September*, and for that we must leave it to the Jury. We have proved that he came away from Mrs. Harwell's the 7th, and said he was to go to *Tixball* ; and the ninth he did go from *Tixball* in Sir John Southcoates company, and came to *London* the 14th.

L. C. J. Well, what say you to it, Mr. Oates ?

Oates. Has Mr. Attorney done his Evidence, my Lord ?

Mr. Att. Gen. We shall call no more Witnesses, unless you go about to support your own Credit, and then we have other Witnesses to call.

Oates. I do not value any Witnesses you can bring against my Credit.

Mr. Att. Gen. Well, for the present we do not delight to call any more Witnesses.

L. C. J. Then let us hear what you say to it.

Oates. My Lord, here is an Indictment exhibited against me, which sets forth, that I should swear at Mr. Ireland's Tryal, that Mr. Ireland was in Town the first and second of *September* ; and it sets forth, that in truth he was not in Town : And likewise it sets forth, that I swore at the Tryal of the five Jesuits, that Mr. Ireland took his leave of me and others here in Town at his Lodging in *Russel-street*, between the 8th and 12th of *August* ; whereas the Perjury there assigned, is this, That he did not take his leave of me or any other person, betwixt the 8th and 12th of *August*, at his Lodging in *Russel-street*. Now, my Lord, I was not the onely Witness of Mr. Ireland's being in Town in the month of *August* ; nor the onely Witness of his being in Town about that time in *September*. My Lord, my Prosecutors have endeavoured to maintain this Charge against me, thus : The first thing they have gone upon, as far as I can remember in the Indictment, is as to the first or second of *September*, or rather they have endeavoured to prove both under one. Now in answer to all this Evidence, my Lord, the first thing I shall offer to your Lordships consideration, and the consideration of the Jury, is the great hardship I lie under, after six years time to be put to disprove what the Counsel here have now offered against me. My Lord, I observe first, that this Indictment which is now upon tryal, is founded upon the Tryal of Ireland, which was the 17th of *December* 1678, at the *Old-baily*, and it is now six years after that Evidence of mine was delivered. A second thing is, that the Indictment is found by special Commission, as appears by the Indictment it self. Now I must recommend to the consideration of your Lordship, and this Jury, why the prosecution of this pretended Perjury has been delayed so long, when it appears by the Evidence which has been produced, that the Witnesses to prove it, were known six years since, as much as they are now ; and there is no colour of Evidence offered, that any new Fact has been lately discovered which was not then known. There is no reason, my Lord, that is assigned or can be assigned for this delay, but onely that the hardship might be the greater upon me : for now it is difficult, if not impossible, for me to maintain the Evidence I then gave, so many persons being since dead or gone beyond the Seas, and many things that were fresh then, are now grown out of memory ; and I beg your favour to insist upon this, and I think it cannot be denied me. If such a Practice as this be admitted, no Witness is safe in giving his Testimony against any Conspirators whatsoever. For, my Lord, I must desire leave to offer another thing to your consideration, before I speak to the particular Evidence, and that is this, That here is nothing but a bare point of time upon which this Perjury is assigned ; when the substance of the Testimony that I gave at the Tryals of Mr. Ireland and the rest about the Popish Plot, is not assigned as any Perjury at all ; it is only a circumstance of Time and Place : And, my Lord, I shall offer this to your further consideration, that Ireland was convicted for a Treasonable Resolution to murder the late King, and not for being in Town in *August* or *September* 78, or elsewhere ; and he was not convicted for his being in his Chamber in *Russel-street*, and taking his leave there in *August*, which is one matter of the Perjury now assigned. Next, my Lord, 'tis hard and unreasonable to tie up Witnesses that come to discover Plots and Conspiracies, to speak positively as to circumstance of Time and Place ; and every little Punctilio in their Evidence to bind them up to such Niceties in the delivery of their Testimonies, as to Time and Place. It is usual to speak with Latitude, as to such kind of things, and 'tis probable my Evidence, which is now in question, was not, that Ireland was the first or second of *September* positively here in Town ; but, my Lord, I did (I believe) give my self a Latitude, and would not confine my self to either the first or second, fifth, sixth, seventh, or eighth ; but, my Lord, that he was in *September* there, I am positive : I must therefore beg your Lordships and the

Courts Opinion, whether that Mr. *Foster* did prove that I was positive and precise to the days of the 1st and 2d of *September* 78.

L. C. J. In my opinion it is a plain Evidence that you did swear positively to those two days; and you spoke to a circumstance very material in your Evidence, that either the first or second of *September* you had twenty shillings of him in Town here: now that circumstance of his Kindness to you, was not a circumstance either of time or place.

Oates. Then, my Lord, I shall begin with my Proofs: but, my Lord, I desire I may have free liberty to mind my Business; for here is a Gentleman behind me that will not let me be at quiet, but is either meddling with me or my Papers.

L. C. J. Who is it? let me know him, and I will take care to make him quiet, or set him farther off. You Gentlemen that are at the Bar should know better, one would think: He must have liberty to make his own defence; and if he complains and lets me know who meddles with him, they had better do somewhat else.

Oates. My Lord, the first thing that I offer is, that *Ireland* was convicted of Treason, and for that you have the Record.

L. C. J. It is allowed of all sides, that *Ireland* was convicted and attainted of Treason.

Oates. Then, my Lord, the principal Defence which, as near as I can remember, Mr. *Ireland* made at his Tryal, was an endeavour to prove that he was not in Town between the 8th and 12th of *August*, nor the 1st and 2d days of *September*, which are the points now in Issue; and he then produced one Mr. *Gifford* and his Sister and Mother; and fifteen or sixteen Witnesses were produced at Mr. *Whitebread's* Tryal, of which there is another Record, that being six Months after Mr. *Ireland* was Tried: There Mr. *Whitebread* produces several Witnesses, Mr. *Gifford*, I say, and several others, I think to the number of sixteen, which were to prove *Ireland's* being out of Town in these times that these Witnesses speak of. Now, my Lord, all those several Witnesses being produced to prove *Ireland* then out of Town, the very point that is now in Issue, was then so: and notwithstanding all those Witnesses, the Jurors who tryed Mr. *Ireland*, and the Jurors who tryed Mr. *Whitebread* and the other four Jesuits, found them Guilty; though they endeavoured with all their force imaginable to oppose my Testimony, and it was left to the Consideration of the Jury what their Witnesses had said. If your Lordship pleases to remember, my Lord Chief Justice *Scroggs* did observe to the Jury, that the Evidence of the Prisoner at the Bar did consist only in Punctilio's of time; which as near as I can remember what he says, he called a Nicety of time; and in *Whitebread's* Tryal he was pleased to call it Catching in point of time. And it was observ'd at *Ireland's* Tryal, that his Defence was so weak that my Lord Chief Justice *Scroggs* upon the integrity of *Bedloe's* Evidence and mine, uses these words to the Jury, (though he then endeavoured to do what these Witnesses do now): It is most plain the Plot is discovered; and that by these men, and that it is a Plot and a Villanous one; which shews not only the fulness and satisfactoriness of our proof that we gave, but does also take notice of the little shifts and catching tricks he made use of to prove himself out of Town; which would not weigh with the Court: Therefore I observe it is but the same Objection that then was made, and is not a new one now. And my Lord Chief Justice that then was, speaking of that proof he brought (which the Court heard with patience, but could easily see through the vanity of it) said, What arts they have of evading this, I know not; for as they have turn'd their Learning into Subtlety, so they have their Religion too. All this is well remembered by those that were by and heard that Tryal: And though *Ireland* laboured to disprove me in that circumstance of time, yet still the Court did justify the Evidence that Mr. *Bedloe* and my self had given: And the same Chief Justice said, I leave it to you to consider, whether you have not as much Evidence from these two men as can be expected in a case of this nature; and whether Mr. *Oates* be not rather justified by the Testimony offered against him than discredited. This was after his Plea was debated and considered: and I must further observe to your Lordship, that though Mr. *Ireland* by his false Witnesses pressed this matter as far as he could then, and urged the Court to believe it, yet when the Jury brought in their Verdict and found him Guilty, the Chief Justice expressed the satisfaction of the Court in these words: You have done, Gentlemen, like very good Subjects and very good Christians; that is to say, like very good Protestants; and now much good may their 30000 Masses do them. This, my Lord, was the Case of Mr. *Ireland*, at his Tryal, and the same point of his being out of Town was again managed before a second Jury at the Tryal of the Five Jesuits; but the Court saw the design of the Popish Party to blemish the Evidence given of the Plot; but yet they lookt upon it only as

a Trick : And my Lord Chief Justice *Scroggs*, in summing up the Evidence at that Tryal, says, They fall foul upon Mr. *Oates*, meaning my self ; he appears to have been their Agent, and whilst so, bad enough : But if he had not had a mind to have become a good man, he would not have done us that good he has done in the discovery of the design they had engaged him in. And if your Lordship please to remember, that at that Tryal of the Five Jesuites, when all arts were used to prove *Ireland* out of Town, and me at *St. Omers*, in the same Charge to the Jury, my Lord *Scroggs* did take notice that the Jesuites were very exact at catching in a point of time ; but now says, that is a thing that no man can precisely charge his memory withal ; and therefore he does there perswade the Jury, that that should not be too strictly the measure of their Judgments about Truth and Falshood, by the mistake of seven or eight days ; For, said he to the Jury, examine your selves how often every day you do mistake things that have been transacted half a year ago, and err in point of time, taking one week for another, and one month for another ; and therefore you are not to lay too great a weight upon the point of time. Now if too great weight, my Lord, be not to be laid upon a point of time, then this Charge that is now brought against me is not of weight at all : And besides, my Lord, this ought to be considered, if this were the great Objection then and then answered, it ceases to be an Objection now. And as the Court did observe at the summing up of the Evidence, that they made their defence about the uncertainty of a point of time, which was no defence at all. So that, my Lord, the whole course of my Plea is this : 'Tis a hard case for a man after six years, to be indicted for a circumstance of time. I will first offer the Testimony of one Witness that is dead, and that is Mr. *Bedloe*, who at his death confirmed all that he had sworn of the Popish Plot to be true, and affirmed that he had rather spoken less than the Truth than more ; and for that I desire that my Lord Keeper may be called, who took his dying Examination.

L. C. J. As for that, Mr. *Oates*, it is a thing very well known to the world, and particularly to a worthy Gentleman that sits by you, (pointing to Mr. *North*) that Mr. *Bedloe* when he was sick, did make some such Protestation.

Oates. Then, my Lord, I desire that Mr. *Blayney* may be sworn, to give an account what Mr. *Bedloe* testified at *Ireland's* Tryal.

Then Mr. Blayney was Sworn.

Oates. Mr. *Blayney*, pray will you see in your Notes of *Ireland's* Tryal, whether Mr. *Bedloe* did not swear that Mr. *Ireland* was in Town, the latter end of *August* 78, or the beginning of *September*.

Mr. Blayney. Whereabouts in the Tryal is it Sir?

Oates. It is in the Printed Tryal, folio 41.

Mr. Blayney. My Lord, I do finde these words in my Notes, that Mr. *Bedloe* should say, about the latter end of *August*, or the beginning of *September* ; but I believe it was the latter end of *August* : Mr. *Ireland* was at *Harcourt's* Chamber, and being ask'd the question by my Lord Chief Justice *Scroggs*, Whether he said it positively, it was the latter end of *August*, he said it was in *August*, he would not be positive to a day, but he thought the latter end.

L. C. J. 'Tis very well known that too, that *Bedloe* did swear *Ireland* was in Town the latter end of *August* or beginning of *September*, and to confirm it upon Mr. *Ireland's* denial, you swore he was in Town the 1st or 2d of *September*, and gave you twenty shillings, that was the occasion of your Oath.

Oates. Then, my Lord, I desire to call some Witnesses to testify to the Deposition that was taken of Mr. *Jennison*, about *Ireland's* being then in Town.

L. C. J. When was that Deposition taken, and before whom?

Oates. It was taken in year 79, by Sir *Edmund Warcup*.

L. C. J. But we cannot admit that in Evidence, unless the Kings Council will consent.

Oates. My Lord, I will then produce what he swore at another Tryal.

L. C. J. Why, where is he, is he dead?

Oates. My Lord, It has cost me a great deal of money to search him out ; but I cannot any where meet with him, and that makes my case so much the harder ; that I cannot when I have done all that man can do, get my Witnesses together. I sent in the depth of Winter for him, when I thought my Tryal would have come on before ; but I could never hear of him.

L. C. J. We cannot help that.

Oates. Will what he said at any other Tryal be Evidence here?

L. C. J.

L. C. J. Look you, though in strictness, unless the party be dead, we do not use to admit of any such Evidence, yet if you can prove any thing he swore at any other Tryal, we will indulge you so far.

Oates. Have you the Record of Sir George Wakeman's Tryal there, Sir Samuel Astry?

Mr. Att. Gen. Here it is, if Mr. Oates have any use for it, we will lend it to him.

L. C. J. Put it in, and now prove what you can, what Jennison swore at that Tryal.

Oates. Mr. Blayney, have you your Notes of Sir George Wakeman's Tryal here?

Mr. Blayney. No Sir, the Ticket of your Subpœna did onely mention Ireland, Whitebread and Langhorn's Tryals. But I did formerly upon another occasion look for the Tryal of Sir George Wakeman, but could not find it among all my Notes.

Oates. Sir, Can you remember then what Jennison swore at that Tryal, about Ireland's being here in Town?

Mr. Blayney. Truly, my Lord, I can never trust my memory at all when I take Notes, and it is now so long since that Tryal, that I dare not undertake to say I remember any particulars of it.

L. C. J. He says it is so long since that he cannot remember any thing. But there is Sir Edmund Warcup, now is he sworn.

Cryer. Yes, My Lord.

L. C. J. What do you ask him then?

Oates. I would desire to Examine Sir Edmund Warcup, my Lord, about the Deposition of Jennison that he took.

L. C. J. But we tell you that cannot be admitted as Evidence, without they will consent to it on the other side.

Oates. My Lord, He proves Mr. Ireland here the 19th of August, and that contradicts these Witnesses.

L. C. J. If they will admit it well and good, else we cannot do it.

Mr. Att. Gen. My Lord, we will be so fair with Mr. Oates, if he will admit Mr. Jennison's Letter that is under his hand, wherein he does own that he was mistaken in his whole Evidence about that matter, we will consent his Deposition be read.

Mr. J. Withens. If he will not consent to that, there's no reason you shall consent to the other, Mr. Attorney.

L. C. J. Look you, Mr. Oates, Mr. Attorney makes you this Offer, You desire to have Mr. Jennison's Depositions read; which cannot be done without their consent; they tell you they will consent, if you will let them prove what he has own'd since about that Business.

Oates. My Lord, I will consent with all my heart; let them read any Letter under his hand.

L. C. J. Well, do it on both sides by consent: And now Mr. Oates, do you produce his Examination.

Oates. Pray, Sir Edmund Warcup, will you please to give the Court an account, what Deposition Mr. Jennison made before you about Ireland's being in Town in August 78.

Sir Edmund Warcup. If my Lord commands me, I will.

L. C. J. Ay, you must answer his Question.

Sir Edm. Warcup. This Mr. Jennison did make one Information before me, and according to the duty that was incumbent upon me, I delivered it in to the King and Council, and there it has lain ever since; for me to remember the particulars of it is impossible.

L. C. J. Have you his Examination here, Mr. Oates? If you have, shew it him.

Sir Ed. Warcup. If I see my hand to it, attesting it was sworn before me, I can say somewhat to it.

Oates. My Lord, he says he delivered it into the Council; but it is printed.

L. C. J. That is no Evidence, man.

Sir Ed. Warcup. I can say nothing to it, unless I saw it under my own hand.

Oates. That is impossible for me to have, my Lord.

L. C. J. I cannot tell how to help it.

Sir Ed. Warcup. You have no more to say to me, Sir, have you?

Oates. No, Sir, I have not. Pray call Sarah Batten.

Mr. Att. Gen. Is that the same that was Sarah Pain?

Oates. I think so, Sir; I am not sure it is she, till she come hither.

Cryer. Here is Sarah Batten.

Oates.

Oates. Pray swear her, and call Sir Thomas Doleman, (which was done;) but Sir Thomas Doleman did not appear.

Oates. Pray was not your name Sarah Pain?

Batten. My Lord, I desire my Charges before I speak.

L. C. J. What is your name, good woman?

Batten. My name is Sarah Batty.

Oates. Was not your name Sarah Paine once?

Batty. No, my maiden name was Sarah Edmunds.

Oates. Was not you a Witness at the Tryal of Mr. Ireland?

Batty. No, Sir.

Oates. Did you not live with my Lord Arlington?

Batty. No, Sir.

Oates. Then I have been at all this charge for nothing. Are you sure your name was not Sarah Paine?

Batty. No indeed, Sir.

Oates. They told me that she liv'd at Uxbridge, and thither I sent.

Batty. I do live at Uxbridge, Sir.

Oates. Upon your Oath, were you a Witness at any of the Tryals; or no?

Batty. No, my Lord, I was not.

Oates. Then I have nothing to say to her.

L. C. J. What other Witnesses have you to call?

Oates. VVe have labour'd all we could to find her out, and searched for her with all the care imaginable; and here we thought we had had her, but it seems it is not she.

L. C. J. VVe cannot help it.

Batty. I hope, my Lord, you will consider my Charges in coming up hither.

Oates. I will take care of thee, Sweet-heart.

L. C. J. VVho do you call next?

Oates. Pray call Mr. Charles Clare.

Cryer. He is not here.

Oates. Pray call Mr. Percival. My Lord, I desire Mr. Blayney may give an account what she swore about Ireland's being in Town, seeing I cannot have her here.

L. C. J. That we cannot do neither, without Mr. Attorney will consent: for this, as well as the other, is an extraordinary thing.

Oates. You see by my bringing this VVitnel's, my Lord, that I have done what I could to find her out.

L. C. J. VVhat say you, Mr. Attorney, will you consent?

Mr. Att. Gen. No, my Lord, it is so irregular, that we cannot consent to it.

Oates. Pray call Mr. Percival and Mr. Vaughan.

Cryer. They do neither of them appear.

Oates. Then I must lose the benefit of her Testimony.

L. C. J. Have you done?

Oates. No, my Lord, I will have done immediately.

L. C. J. Take your own time.

Oates. I desire Sir Michael Wharton may be called.

Cryer. He is not here.

Oates. Pray call Mr. Charles Chetwin.

Cryer. He is not here.

Oates. Pray call Mr. Robert Bowes.

Cryer. He is not here.

Oates. Pray call Mr. John Savill.

Cryer. He is not here.

Oates. My Lord, I have served all these with Subpoena's; and if they will not come, I cannot help it.

L. C. J. Nor we neither.

Oates. Mr. Jennison was used as a VVitnel's in the Tryal of Sir George Wakem, and so was Mr. Bowes, and Mr. Barker, who was produc'd to prove the circumstance of Mr. Jennison's Evidence. But, my Lord, since I cannot have the benefit

nefit of his Evidence, nor of *Sarah Paines*, I must only sum up all I have to say in two or three words: My Lord, besides that what I did deliver in Evidence at those Tryals, I gave in upon Oath: you have Mr. *Bedloe's* Evidence at the Tryal of *Ireland* testified by Mr. *Blayney*; and the testimony of him as a dying man, given into my now Lord Keeper, wherein he averr'd, That what he had spoken of the Plot, was all true: And you hear that he swore Mr. *Ireland* was here in Town in *August*, and so did *Sarah Paine* too; and I think upon my self as very hardly used, to have such a part of my Testimony brought in question, after Witnesses are dead, or gone out of the way. As for Mr. *Jennison*, his Evidence was formerly made use of; and his Evidence was approved of too, as is well known to those that sate Judges upon the late Viscount *Stafford*. But this is that, my Lord, I must needs say for my self, That as I hope to see the day of Salvation in another world, whatever I have sworn about Mr. *Ireland's* being here in Town betwixt the Eighth and Twelfth of *August* 78, and in the beginning of *September*, is true, as I shall answer it before God another day. And, my Lord, as to the Evidence this day brought against me, I desire you would but observe, though that there are many of those Witnesses, yet a great part of them do not come up to the Eighth or Twelfth of *August*: and I hope your Lordship will remember and remark to the Jury, what little Credit those of them had that came to testify in the behalf of Mr. *Ireland* at his Tryal; and at the Five Jesuits Tryals, of which there are two Records before you; and they do first justify this, That *Ireland* and the rest of them were Guilty of what they were accused of; and then, That these Witnesses did not testify the Truth.

Besides these two Tryals; my Lord, you have a third Verdict, and that is at the Tryal of Mr. *Langhorn*: Now the whole Popish Plot almost was laid forth in those three Tryals; and, my Lord, I believe verily I am the first Precedent in all *England*, of any ones being Indicted for Perjury that was a Witness for the King in such a Case as this, after six years time elapsed, after Verdict upon Verdict, and Judgment and Execution upon these Verdicts, and when no new Objection is now offered, but what was then started; and no new circumstance occurs now, but was as forcible then, except it be the change of the Season. And I desire it may be considered, when all the Judges of *England* were Commissioners of *Oyer and Terminer* at those Tryals, these matters were fully discussed and debated; and then they did look upon all the Objections as fully answered and confuted.

My Lord, I am confident if I had been a Witness in any other Cause than of a Conspiracy of the Papists, I might have had fairer quarter than I have now: And I do verily believe, that at this rate, it is more safe for Papists to be Traytors, than for any Protestant to discover a Popish Plot.

My Lord, and Gentlemen of the Jury, I beseech you to take my Case into your serious Consideration, as to the hardship of it; and since all my Witnesses are in places unknown, or they are such as, considering the Times, dare not appear, some of them being Lawyers, and under fear they shall fare the worse in their Practice; and others being persons that depend upon the Law, and think they shall be lookt ill upon, as I am now lookt upon with a hard eye by the Popish party and their Adherents: Yet I hope you that are sworn to do Justice, will not let me be ruined by a number of false Witnesses, by the Evidence of Papists that are parties. For if your Lordship please to consider that Vote of the Lords House, which is a Court of Record, wherein they do declare that they are fully satisfied by the proofs they have heard, that there then was, and for divers years hath been, a Horrid and Treasonable Plot and Conspiracy, contrived and Carried on by those of the Popish Religion, for the murdering of his Majesties Sacred Person, and for subverting the Protestant Religion, and the Ancient and Established Government of this Kingdom; which Vote of Parliament, my Lord,

does

does make the Papists to be all Parties in this Case, and where they are Parties I hope they shall not be admitted as Evidence, or at least not be believed, because there is a turn to be served by them against me, and a revenge they are resolved to take upon me; for they have hopes now of bringing in their Religion, and are to welcome that in with my Ruine; and this is the cause of this prosecution: Their eyes do see now what their hearts so long desired, that is, the death of a Great man who died but lately, and against whose Life they had conspired so often and so long. My Lord, if this had been the first Conspiracy that ever the Papists were guilty of, there might have been some more scruple and objection in the case: But if you cast your eyes upon *Campion* and others in *Queen Elizabeths* time, of *Garnet* and the Powder-Jesuits in *King James's* time, and the designs of the Popish party in the time of the late *King Charles*, the first discovered to the Archbishop of *Canterbury*: If these things do pass for Truth, and there is no Averment against so many Records as we have of their Conspiracies, then my Discovery is no such improbable a thing; and I hope then the Gentlemen of the Jury will take it into their considerations, who they are that are Witnesses in this case; men whose very Religion is Rebellion, and whose Principles and Practises are pernicious to the Government; and thereby they are to be looked upon as dangerous persons in Church and State. But, my Lord, if the Letters of *Coleman* be well considered, they will justify me that he Corresponded with *Le Cheefe* the French Kings Confessour, for the promoting of Popery in *England*, is notorious to all mankind that have either read or heard that Trial: Your Lordship was of Council for the King in that case, and heard how it was opened and plainly proved upon him: And when his Letters have been made so publick, and proved under his own hand, nay and confessed by himself, I think no man will doubt but that must be a plain proof of the Plot, and will be enough to vindicate me.

My Lord, I have one word more and then I have done, and leave it to your Lordship and the Jury. My Lord, as they would now fling the Popish Plot upon me; so there is an evident design to fling the Murder of *Godfrey* upon a Protestant Peer; and because an indictment was upon the Testimony of the Traytor *Fitz-barris*, against that noble Lord, they have resolved to have profligate Villains to take his Life for that Murder: that is apparent, and so they will go on step by step, if they be let alone; and think at length to wipe their mouths with *Solomons* Whore, and say, They have done no mischief. My Lord, I leave these things to the Consideration of the Court and Jury; I will not detain you any longer: I have called what Witnesses I could get, but the distance of time has made it impossible for me to have those here now, that did give Evidence in this matter before.

My Lord, I have one favour to beg of the Court, I had but a bad night last night, and am now in great pain but desire that you would grant me one request, that I may have Council assigned me to argue the Errors in yesterdays Indictment: my Lord, I am but a poor man, and cannot be at the charges of seeing Council.

L. C. J. We did assigne you Council before; you may have who you will for Council.

Oates. Will your Lordship be pleased to do me the favour to let me have some time to prepare and instruct Council?

L. C. J. Ay, what time would you have?

Oates. A weeks time, if your Lordship please.

L. C. J. Give him till this day seven nights, there may be no hurt in that.

Oates. Till Monday some seven night, if your Lordship please, let me have.

L. C. J.

L.C. J. No, no, we cannot do that; we give you a Weeks time, which is more than ordinary; for by the Rules of the Court there are but four days allowed, and those would be out on Munday or Tuesday.

Oates. I thank your Lordship for that time you have given me, but I hope you will be pleased to take the particulars I have mentioned, into your consideration; and I desire I may have liberty to go home, because I am not well.

L.C. J. Ay, you may go, if you will.

Mr. Soll. Gen. May it please your Lordship, and you Gentlemen of the Jury, the Question that you are to try, is a Perjury, which is charged on the Defendant *Titus Oates*, for swearing that *William Ireland* was in Town, upon the first or second of *September 78*. And likewise, for swearing that he took his leave of him at his Chamber in *Russel-street*, between the eighth and twelfth of *August 78*. And we do assigne the Perjury in both those points; that he is forsworn in both, and the Evidence of that Perjury is, that it is impossible to be true, what *Oates* did swear, because *Mr. Ireland* was not in Town between the eighth and twelfth of *August*; nor the first or second of *September*.

Gentlemen, You have heard the Evidence that has been given, and there has been no less than between forty and fifty Witnesses produced to show that it is really impossible what *Oates* did swear should be true; he tells you that this matter is in a circumstance of Time, wherein it is difficult for a man to be positive to a day, and a man may be allowed some Latitude in such a Case; Nay, it is usual with Witnesses in points of time, to swear with a Latitude, but, my Lord, to show that, if we should grant that false Doctrine to be true (and false most certain it is, and of mischievous consequence it would be, if when things are charged upon men, that depend upon circumstance of Time and Place, the Witnesses should not be strictly kept to those circumstances) yet, I say, granting that Position, it is impossible it should do him any service in the Case before you. For between the beginning of *August*, and the fourteenth of *September*, (which includes both the times he swears to, and the Latitude of above twenty days to boot) there is not any one moment of time wherein his Oath could be true.

Gentlemen, you observe what the Witnesses have said, how they have given you an account of every particular day of both months, from the third of *August*, when he first left *London*, to the fourteenth of *September*, when he returned back again: we did ask the Witnesses, that it might appear to be plainly true, what they swear, if they had any particular circumstances that made them to remember it; and they have given a great many, and now it lies upon us, to show you that it is demonstration, that what they have said and testified must be true; and that those days they speak of, he was in the places they named.

For take the Periods of Time, and you will find you have him from the third of *August* to the sixteenth, with my Lord *Aston*, going from *London* to *Tinball*, upon the seventeenth they give you an account of him at *Mrs. Harwell's* to the twenty sixth, from the twenty sixth to the fourth of *September*. There are others that give you a particular account, by remarkable circumstances, where he was every day in *Stafford-shire*, from the fourth to the seventh, you find him at *Wolver-Hampton*; for the eighth indeed we do give no particular account where he was that day; but we prove that upon the ninth he was at *Tinball*, and from thence he came away with *Sir John Southcoat* towards *London*, and there you have a particular account where he was every day, till the fourteenth, when he returned to his Lodging.

And

And now *Gentlemen*, I shall shew you, that, if you believe these Witnesses saw him in these Months; that certainly, it was upon those dayes they speak of, that they did see him.

First, That he went out of Town in *August*. You have these Witnesses, *Anne Ireland*, *Eleanor Ireland*, *Mrs. Duddle*, *Mrs. Quino*, and my Lord *Aston*. Well, How come they to remember it was upon the Third of *August*? Why the four Women remembers it by this particular Remark; Three dayes before, there was a *Holy-Day*, which they keep in memory of *Ignatius*; and upon that day, they remember Mr. *Ire* and went abroad to take a Recreation, and came home again that night, tho' the rest of the Company stayed there; because he was to go out of Town. Upon the Third day after, which must be the Third of *August*: For *Ignatius* day you hear, is alwayes the last day of *July*. And they do positively swear, that upon the Third of *August*, he took his leave of *Anne Ireland* and *Eleanor Ireland*. *Mrs. Duddle* Remembers, That he went out that day. *Mrs. Quino*, whose Husband was his *Taylor*, sayes, he did stay a little to have somewhat in his Cloaths mended: And she saw him in his Boots; and he said he was to go out of Town. *Mrs. Anne Ireland* saies, They took the liberty to Lodge a Gentlewoman in his Chamber, and saw him not again, till a fortnight before *Michaelmas*: And that he did go out of Town upon the Third of *August*, is farther prov'd by my Lord *Aston*, who noted it down in his Book at that time that *Ireland* came to his House at *Standen* in *Hartfordshire*: so that here is as strong an Evidence as can be, that he did go on the Third of *August*, and that they remember it to have so been by all the Circumstances that can be imagin'd.

Well, the Third of *August* he went out of Town. The Fourth of *August*, we give an account where he was: He stayed that day with my Lord *Aston* at *Standen*. The Fifth of *August*, he set out with my Lord *Aston's* Company, and went to *St. Albans*. The Sixth, he went to *Northampton*. The Seventh to *Coventry*. The Eighth to *Tixhall*, and the Company that went with him proves it; which was *Sir Edward Southcoat*, and *Mr. John Southcoat*; and *Harrison* and *Hobson*, who saw him go in the Company, and *Mr. North*, who saies, he saw him every day; and *Ingletrap* the Coachman that drove the Coach, all these remembers it positively; and some of them speak of a remarkable pretty Horse which he rid upon.

Now when he comes from *Tixhall*; (for we have brought him hither by manifest proof, by men that could not forget; by men that saw him in the Company): There he remained (as they all testifie) till the Thirteenth of *August*, and that was the Tuesday after his Arrival at *Tixhall*; and from thence he went that day a Journey into *Flintshire* to *Holy-Well*; and that is proved by the Witnesses that were in his Company in that Journey. They tell you the Thirteenth he lay at *Nantwich*. The Fourteenth at *Holy-Well*. The Fifteenth at *Chester*. And the Sixteenth he came back again to *Tixhall*. And so here you have abundance of Witnesses, that give you a particular account where he was, in what Company they say him from the Third of *August*, to the Sixteenth. If he were then in this Company from the Third to the Sixteenth, he could not be in his Chamber in *Russel-St.*, between the Eighth and the Twelfth.

Then we came to the Seventeenth, and then we find him to be at *Wolverhampton*, where he continued to the Twenty-sixth; and that it must be between the Seventeenth and the Twenty-sixth, is plain; For after that time which *Mrs. Harwell* speaks of, the other Witnesses gives such Circumstances, that it cannot be otherwise: You find him on the Twenty-seventh, at a Horse-Race, which is a remarkable Circumstance. And these are things that men do very well remember what dayes of the month they happen upon. We then give you an account of the Twenty-ninth; that at *Tixhall* he was seen in Company upon the Bowling-Green, with Persons of Quality; *Sir Thomas Whitegrave* and others. So we give you an account where he Lodged. The Twenty-eighth he was at *Bellamore*; the Twenty-ninth, he went to *Mr. Hereningshams*: there he Lodged till the First of *September*; and this is remembered by particular Circumstances, that he went a Fishing, and a Setting, and a Hunting: Then the next day, which is the First of *September*; and the next day after, the Second of *September*, they saw him at *Mr. Gerrards*; he din'd upon the Second at *Mrs. Cromptons*, and lay at *Boscobel*; there he continued the Third, and the Fourth he came to *Wolverhampton* again.

So that this shewes, that what *Mrs. Harwell* did speak of, was true; for, if *Mrs. Harwell* did see him, as 'tis not at all doubted, but she did: It must be in that interval of time between the Sixteenth and the Twenty-seventh; where we give you an account of him by other undeniable Circumstances, that he Lodged at other places, and could not Lodge at her House in *Wolverhampton*.

Besides, *Gentlemen*, the particular Circumstances that they do remember him by, proves it to be on those Days. Mrs. *Harwell* gives her positive Oath, That he did come there the Seventeenth, and lay there every Night to the Twenty sixth, which was on the Monday Seven-night after; and that he came again the Fourth of September after, and lay there till the Seventh.

Then there is *Ruston*, another Witness, that saw him at her House, the Eighteenth, Nineteenth, Twentieth, Twenty first, Twenty second, and Twenty fifth: And, I say, it must be those Days, because we have given an Account, by other Witnesses, of all the other Days. And it must be that very Time, that *Oats* speaks of: For it was the Summer before *Ireland* was Apprehended and Executed for the Plot, which was Michaelmas 1678.

Mrs. *Winford* she remembers him at *Wolverhampton* the Eighteenth, Nineteenth, Twenty second, and Twenty fourth.

Stanley remembers the Eighteenth and Nineteenth: And if you ask him, How he remembers it? He tells you by a Circumstance, that most Men would remember. He buried his Child that Day, and entertain'd *Ireland* with the Provision for the Funeral. Now, Men usually remark such Accidents as these; for that is a thing a Man cannot forget, that has any Concern in the World, for those that are so nearly related to him. And therefore such Circumstances must of necessity evince the Truth of what he speaks; because it is brought to his Mind by an Accident, that cannot be forgotten.

Mrs. *Parcel*, which is the next Witness: And she remembers to have seen him the Eighteenth, Nineteenth, Twentieth, Twenty first, Twenty second, and Twenty third; for she remembers the last of them, was the Day before Bartholomew-Day; which was a remarkable Day.

Then there is another Man, that look't to his Horse whilst he was there; but his Memory will not serve him to speak to any particular Time: He only evidences, that he was there; and the other Witnesses speak to the Time.

Mr. *Stamford*, he remembers it to be at that Time, because he saw him on the Sunday after the Assumption of our Lady; which is always the Fifteenth of August. And the like says Mrs. *Gifford*. These Circumstances verifies her Testimony.

And Mr. *Gifford* remembers, he came on the Seventeenth Day: And he saw him every Day, till the Twenty sixth Day.

And Mrs. *Fowler*, who is Mrs. *Harwell's* Daughter: She remembers, he came the Seventeenth Day; and she was in his Company every Day, till the Twenty sixth; except one Day, when he went to *Litchfield*; that was the Day before Bartholomew-Day, which was Fryday.

Mrs. *Keeling*, she swears, That upon the Seventeenth Day he came there, which was Saturday. She saw him on the Sunday, and on the Monday; and went on the Monday in the Afternoon, to the Funeral of her Mother: Which is another Circumstance, that she must needs remember; and by that, has the Remembrance of the Day of the Month when he was there: And she return'd back again on Thursday, and heard him that Day, but did not see him. But she saw him every Day after, till he went away: And she remembers his going away was upon the Twenty seventh. And she remembers likewise, that he return'd the Fourth of September after.

Mr. *Richardson* he proves, That he saw him upon the Nineteenth Day of August at *Wolverhampton*; as he was told, It was he: And being ask't, When he was told so? He says, Mrs. *Harwell* told him so sometime before he was Apprehended. So that, she could not tell it him then, to serve a turn. And he is a Protestant too.

So is likewise *Eleanor Graves*: Who gives you an Account, that she saw him there on the Twentieth, Twenty first, and Twenty second; and on the Twenty third, she went to *Litchfield* with him: And upon the Twenty fifth, she supp'd with him at Mr. *Winford's*.

Now, *Gentlemen*, you have a full Account of it, even to a Demonstration, That he must be in these Places at this Time, if you will believe one thing; that is, That these Witnesses saw him at all: And sure, none can doubt, but these Witnesses did, upon the Circumstances they have testified, see him in August and September. And then it must be those particular Times, that they speak of.

At *Wolverhampton*, then, you have him to the Twenty sixth: The Twenty seventh Day, you have an Account of him at the Horse-Race at *Erchin-Hall*. The Twenty eighth, Mr. *Howard* gives you an Account, he din'd at at *Bellamere*, at Mr. *Aston's*. The Twenty ninth, you find him at the Bowling-green at *Tinhall*: And from thence to

Mr. N:-

Mr. Hereningham's; where he lodg'd that Night, and stay'd there the Thirtieth: Which is prov'd by the Circumstances of Fishing in the Morning, and Setting in the Afternoon. And the next Day, which was Saturday the Thirty first, you hear he was at the Killing of a Buck; where Mr. Gerrard was expected, but Sickness prevented his coming. And you have him the First of September, which was Sunday, at Mr. Gerrard's House, where several of the Witnesses did see him.

And besides, one Proctor tells you, He saw him the Thirty first of August, at Fulford, at Mr. Lowe's. And he very well remembers that to be the Time, by a remarkable Circumstance: For (says he) the last Day of August I went to pay some Money, (which is a thing Men are generally very punctual in) and when I came Home again, I found him there. And he swears, he saw him at Mr. Gerrard's House, the First of September, the Day after.

Mr. King remembers, he saw him at Mr. Gerrard's of Hilderthorpe, the First of September; and that he din'd at Mrs. Crompton's, the Second of September, and stay'd there till Two of the Clock in the Afternoon: And went from thence, with an intent to go to Boscobell.

Lee says, He saw him at Mr. Gerrard's House, and at Mrs. Crompton's: That he din'd there, and went from thence to Pancrass, and from thence to Boscobell.

Mr. Biddulph remembers, he din'd with him on the Second of September, at his Aunts; and that by this Circumstance, He was desir'd by my Lord Cullen, to see an Horse-Race in Northamptonshire; and promised my Lord Cullen to come: Which Horse-Race is always on a certain day, the First Thursday in September; and that Year it happen'd to be the Fifth of September: And it was the Monday before, that he din'd at his Aunts. And because of his Promise to my Lord Cullen, he would not stay all Night. And so it must be the Second day of September, that he saw him there.

Mrs. Crompton says, It was the same day, that her Nephew, Mr. Biddulph, din'd there: For he was a Stranger, and she never saw him before, nor after.

And there is another Gentlewoman, Mrs. Palmer, that swears, He din'd at Mrs. Crompton's; but she cannot tell the particular Time when.

Mrs. Gifford saw him at Pancrass, between the Hours of Four and Five in the Afternoon, upon the Second of September: And Lee went along with him to Pancrass; and from thence he went to Boscobell.

Mr. Pendrell says, He saw him the Second of September at Night: For he came to his Blouse. Which agrees with all that the other Witnesses say, which was, That he intended to go to Boscobell that Night: He and his Wife both testify, That there he lodg'd upon the Second of September; and stay'd there the Third of September; and went from thence, the Fourth, to Black Ladies: Where Mr. Gifford tells you, he din'd.

And we have given you an Account before, where he was the Fourth at Night: For then he was return'd to Wolverhampton; and there he lodg'd to the Seventh of September. And after the Seventh of September, though we do not give you a positive Evidence, That upon the Seventh of September, at Night, or upon the Eighth, he was at my Lord Aston's: Yet we have given you that, which amounts almost to a Demonstration, That he must be there upon the Eighth of September. For he went from thence with Sir John Southcoat, to go towards London, on the Ninth. And our Evidence is the more Credible, because they swear cautiously all of them: Unless they remember some remarkable Circumstance, they will not take upon them to fix upon a particular time.

Then, Gentlemen, we give you an Account, by the Persons that were in his Company, where he was every day, all along from the time he left Tixhall, down to the time he came to Sir John Southcoat's House in Surry. And this Journey took up the Ninth, Tenth, Eleventh and Twelfth of September: There are Four days; and he stay'd there one day. Then he sold Mr. Southcoat his Horse. Mr. Southcoat lent him his Horse, to come to Town; and the next day he did come to Town. And so we have brought him to Saturday the Fourteenth of September.

And now, let all the World be judge, if there be any possible Room left, that any one Word Mr. Oates has said, can be true; even giving him the Latitude of Time, that he himself desires, and says, All Witnesses must be allow'd? No, there is not one Minute for him, wherein he can be verified in any one Tittle of his Evidence, as to Ireland's being in Town. And this is that which I call, (and sure, well I may so call it) a Demonstrative Proof, That what Oates did swear, is utterly false.

Gentlemen, The Jury had not this Evidence, at the Tryal of Ireland: Some they were, that went out of the Town with him; and some, One or Two, of Wolverhampton, were

at the Five *Jesuits* Tryals; but not above Five or Six in all of these Forty odd, that now appears. True indeed it is, all these were not there; and *Ireland*, upon that, unfortunately suffer'd; for so I may take leave to say. It was *Unfortunately*.

Mr. *Oats* has said one thing unto you, which he lays much stress upon: He would have you look upon it as a great hardship, That this Prosecution comes so late; and that it is strange, after Six Years time spent, this should not be set on foot.

But *Gentlemen*, I cannot but with much sorrow remember to you; and I know you all remember it, too well: That there was a time, when the City of *London* was so far Corrupted, that it was become a Refuge and Sanctuary for High-Treason; when there was no Justice to be had for the King there; when men Lodged themselves within those Walls, as a Protection for their Conspiracies; we all remember the time, when Indictments were prefer'd, and a plain evidence given to a *Grand Jury*, even to the Publick Satisfaction of all that heard it; and yet they have refused to find the Bill: And not only so, but were so abetted by the Rabble, that it was scarce safe for the Judges to sit upon the Bench. These are things none of us can forget, but must be perpetually remembred, to the shame of the Authors and Contrivers of them: And therefore it is no wonder an Indictment was not prefer'd against Mr. *Oats* at that time, when the plainest proof against *Criminals*, could not be admitted. And this will give every man satisfaction, why it has been delayed. And I hope at the same time give every man a Caution, how they fall into the like Circumstances again.

But *Gentlemen*, You have heard the Evidence that is now offered, to prove this matter of Fact; and it is a plain demonstration, if you will believe that Mr. *Ireland* was seen by these men at all, he was seen at those very times they have particularly declared: For upon consideration of the Circumstances, it is impossible it should be at any other times; and so I leave it to you to judge upon the whole, whether the Defendant be Perjured or no.

Lord Ch. Just. *Gentlemen* of the *Jury*, this Case has taken up a great deal of time; but it is a Case of that Moment and Consequence, that sure no time ought to be thought too long, that is employed for the discovering of the Truth, so necessary to be discover'd, as the matter now in question. For as I said at the beginning upon this occasion, and I cannot but say it again now; I confess I cannot without Horror and Trembling, Reflect upon the many mischiefs and inconveniencies we have been run into, if the Testimony given this day in this Cause against *Oats* prove true, as I cannot in the least imagine, where there should remain the least objection against the Truth of it; I cannot, I say, but bewail, that so many innocent Persons (to the Reproach of our Nation be it spoken) have suffered death upon this account.

God deliver me from having the least stain of *Innocent Blood* imputed to me; and it is more to be Lamented, when we see that impudence, which has brought that Infamy upon our Land, continues with a Brazen-Face, defying all shame to this day. But by this we may be informed, how some mens Consciences are seared, and that there are some people that do indeed Live without the fear of God in the World. For if that man, who has assumed to himself the Habit and Character of one that should Preach to others, Religion, Vertue, and the things that become true Christians, shall become such a Monster of Impiety and Impudence, in defiance of Heaven and Earth; What greater and more manifest proof can there be of a seared Conscience!

I cannot but lament likewise the wickedness of our Age, when I reflect upon the Testimony of that other Wretch (indeed I cannot use terms severe enough for him) that when he was going into another World, should Persist in such gross Falsities; I mean *Bedloe*, Infamous *Bealoe*; and let his name be for ever Infamous to all Mankind, that have any regard, or deferance for the Truth; that he should with his latest Breath dare to affirm, That every Word he had said of the *Popish Plot*, was true; when it is as clear as the Sun, by the Testimony of this day; that every word he swore about *Ireland*, was utterly false. Good God of Heaven! What an Age have we liv'd in, to see Innocence suffer Punishment, and Impudent falsity Reign so long.

Gentlemen, I hope all Eyes are opened (I wish they had been so long since;) let us lay the Burden, the Infamy and Reproach of these things, upon them that deserve it; for we cannot but know we are reckoned as a by-word to all our Neighbours, and shall remain Monuments of Ignominy to all succeeding Ages and Times, if we did not endeavour to discharge our selves, and our Religion, and the Justice of our Nation from these Scandals.

Gentlemen, I think I am obliged, in the First place, to take notice of what Mr. Solicitor

liciter General has mentioned, concerning the Insolency of those times; wherein the Faction was grown to that extravagant Height, that, in truth, a man durst not appear, with safety of his own Life and Fortune, to Testify the Truth. And, Is it not a shame, that it should be remembered, what one of the Witnesses this day Testified? That when he came to appear at the Council-Table, to Attest a Matter of Fact, before this Innocent Blood was spilt (for so I must call it, if that which has been Sworn this day is true) the Rabbie should be so boisterous, as to cry out; *Where is that Villain, that dares come to give Evidence against Oats, the Saviour of the Nation?* Oh, horrid Blasphemy, that no less an Epethite should be given to such a Profligate Wretch as *Oats*, than that which is only proper to our Blessed LORD! As though *Oats* had merited more than all mankind; and so indeed he has, if we take it in a true Sense: He has deserved much more Punishment, than the Laws of this Land can inflict.

And I must needs say, Gentlemen, That this is an Instance, why there seems not to have been Punishment enough ordain'd in Law for Perjury; because our Law-makers did not foresee, that there could ever be such Villains, such Miscreants, as these.

We have indeed another Instance in the Law, of a Crime for which there is no adequate Punishment; and that is in the Case, where a Child kills his Father; Parricide has no peculiar Judgment assigned for it; but we are forc'd, because these things have been sometimes practis'd, by a Construction in Law, to make that Child as a Servant to his Father, and so Punish him with the Judgment of Petty-Treason; but take him immediately, as he is a Child, and not as a Servant, and I say, there is no particular Provision in Law, to Punish such an Offence: And, What is the Reason of it? Because it is so unnatural, and against the Imaginations of Man-kind to believe, there ever could be such a wicked Child in the World.

If that be not to be Imagin'd, How could it be Imagin'd, that there should ever be such horrid Villains, as should attempt the Destruction of the Government of Three Kingdoms? Good Lord! What Times do we live in! Surely, 'tis such an Age, as was never known, from the Creation of the World, to this day.

And to this must be added, what aggravates the Mischief, That all this is done under the Umbrage, Countenance, and Pretence of Law; the Proceedings of Law, the usual Methods of Justice, are made the Instruments of the most horrid Injustice. The Murder of our late Blessed Sovereign, King CHARLES the Martyr, of ever happy Memory, though a Crime as high in it self, as the Law knows of; yet I may say, it was aggravated very much, that that Unfortunate, but Glorious King, should be brought to the Block, by a Pretext of Law, and Cut-off by a colourable Method of Justice; 'Tis that which makes that Murder ten times more Base and Infamous. So, Gentlemen, the destruction of poor innocent Persons, by false Accusations, by the pernicious Evidence of Perjur'd Witnesses, in a Course of Justice, makes their Crime infinitely more odious, than common Murder.

Gentlemen, I cannot but speak with warmth in a Case of this Nature; and I the rather speak so, because, at the time when those Things were done, we all know, the Nation was in a Hurry, and a sort of ill-minded Men had crept in among us, who had blown us up to such an height, that nothing but what comply'd with their malicious and Devilish designs, was to be believed; when the King could not get common Justice done against real Traytors; but the very Streams of Justice were all Corrupted, though the Fountain (God be thanked) was preserved pure.

When the Faction (by Cabals and Intrigues) had got Sheriffs of their own Party, and laboured to get all other Officers of their own wicked Principles, then came all those Mischiefs we so long labour'd under. When those Fellows, that had to great a share in the late Rebellion, were the only fit Men to be trusted with the Government; and all the while were designing to destroy it, and to bring us into the same miserable Condition we formerly were in.

Was it ever (I speak to you, Gentlemen of the Jury, Citizens of London, who know its ancient Constitution, and have too well experienced its late Convulsions) was it ever known, till Justice was designed to be Corrupted, that there was any Labouring to be Sheriffs? No, Endeavours were always used to be excused, and Fines paid to get off from that Office: And the Reason is plain, For never was there a wife and wealthy Citizen, that had a mind, out of a Principal part of his Estate, to squander away so much, as is necessary to defray the Charge of that Office: But it was the Design that those Rascals had upon the Government, that made them so greedy of those Places; and they thought they had now an opportunity to effect their Design, upon these Fellows

Pretended Discovery. They believed, that because we were hurried into the Mischiefs of the late Times, by pretences of *Popery*, the same Bait would be swallowed now: Therefore, the Cry must be set up, *Popery was a coming-in*. They concluded, if they could but make use of the same Engines, they should have the same Effect: Witness a Peer, that is now dead, one that was a main Instrument of our Confusion in the late Times, and thereby experienc'd in Villainy, was made use of, as the Chief Tool in these late Contrivances.

But alas! When they found those Pretences and Projects would take no longer, then they fly to that, which was indeed the bottom of All, I mean, *The bloody Conspiracy*: When they found they could not overthrow the Government by Methods of Law, they betake themselves to down-right Treason. For by this time, the Eyes of the honest Citizens were opened; and they found what Interest was driving on: And it was time to have them open, when a Cause in *Guild-Hall* was always Tryed according to the Characters of the Clyent, and not the Merits of the Cause: when, if a Man was blasted with the name of a *Tory*, he was sure to Lose it: But, if a whining Rascal was Sanctified with the name of a *Whigg*, he was sure to have it go on his side: Witness the famous Cause of Mr. *Loades*, about his *Lemons*.

But when Sheriffs came to be Elected in due manner, such as were fit to be Trusted with the City-Business: What do they, but break out into a horrid Conspiracy, to take away the Life of that blessed King, that merciful Prince, so lately deceased, to the Grief and Sorrow of all His loving and loyal Subjects: And not only so, but to rob us of His Sacred Majesty, our present most Gracious Sovereign; whom I pray God to preserve long to Reign over us. To which, the Auditory gave a great Acclamation, saying, Amen.

Gentlemen, When these things are thought upon, you must give me leave to observe (let others think what they please) that was the real Plot, the true Plot: For there is one thing Observable, that attends this whole Affair. That every Man who Suffered for the Plot, which the Witnesses truly call *Oars's Plot*, to a Man denied it, even to the last Gasps; and took it upon their Deaths and Salvations, that they were Innocent: Nay, when they had not those hopes *Bedloe* had, of Life, (for I cannot believe, that he could have been so egregious a Villain, as to have Attested such notorious Lies, if he had not hop'd to have Recovered; and thereby increased his own Reputation) yet not a Man of the others, but down'd it with their dying Breath. Now, on the other side, there was not a man, that was concern'd in the Conspiracy, of which this was to be the blind and the colour, had the Confidence to deny it, when they came to Suffer for it. All this ought to be put in the Ballance, and duly weighed.

For, Gentlemen, because it is a Matter that is not only publick here, but all the World over, we must have the Justice of the Nation vindicated, and its dis-reputation wiped off. And having taken Notice of these things, which I could not well omit upon this occasion, I must now put you in mind, what is necessary for you to take into your Consideration, as to the particular Case before you. And,

First, You must observe, That this Indictment against *Oars*, is for Committing wilful and corrupt Perjury; which is also laid to be done maliciously. And if it were False, surely it was Malicious; because, by his False Oath, have Innocent men been Convicted, Condemned, and Executed.

Secondly, You are to Consider, how far the thing goes, to make it material to the Issue: For if it were upon a Nicety only, or a Catch, or any of those fine Words, that he has been pleased to make use of; it were not fit to Perjure him upon it. But it is certainly very material: For Time and Place are matters Substantial to discover Truth and Falshood by, as in the Case of *Sulamab*: The Perjury of the *Elders*, as you may remember, was detected by those very Circumstances. But I shall shew you the occasion of this Oath; and that will manifest it to be a Material part, in respect of the Time. For,

First, Here was a Consult held, as he Testified, the 24th of April, 1678, and then he Swears *Ireland* was in Town, and present at the Consult: But all that *Oars* Swore, would not do the Feat, because that he was but one Witness. Then comes *Bedloe*, his worthy Yoke-fellow (a brace of such Witnesses, as the Lord deliver all mankind from) and he Assigns another Fact upon Mr. *Ireland*, in the month of *August*, the latter end of it, or the beginning of *September*; which is material, and makes two Witnesses against *Ireland*, which *Oars* knew well enough: For he is his Arts-Master; he knows all the Tricks, and can tell the very Nick that will do. And therefore, when he finds Mr. *Ireland* so positively Affirming, That he was then out of Town; and if so, *Bedloe* did not Swear true:

true: Then does this *Oats* come in, (and thereby makes his Testimony material to the Point then in issue.) Says he, *The First of September, or (at least) the Second, I will swear, he was in Town; for he gave me Twenty Shillings.* And that is given as a Token, why he does remember it. And thus he did prop up *Bedloe's* Testimony, against Mr. *Ireland's* Defence. This is proved to you, by Mr. *Waterhouse*, who was one of the Jury. And the same thing does the next Gentleman swear, which is Mr. *Byfield*: They do both agree in that Circumstance punctually, That he swore, he had then of him Twenty Shillings.

Al, (but says he for himself, because I would remove the Objections out of the way, as they occur to me) 'tis very hard, this being now some six or seven Years ago, that I should be called to question about such a thing; when they might have had a time to disprove it before.

Besides, Gentlemen, the Answer that has been truly given to you, concerning the Miserableness of the Times; when, the Truth of it is, there was no Justice to be had for Protestants, if we speak of the *Church of England* Men under that Name: For either they were Papists in Masquerade, or Popishly affected; or the Names of Tory and Tinsley, and I know not what, was enough to do their work for them: And no Body was reckoned of the Sober, Virtuous, Godly Party, but those that were under Associations and Covenants; as though there was no Sanctity to be found in any, but those who were bent to destroy all Virtue and Religion. I say, Besides that, there is another Answer; which, I am sorry, has so much weight in it: Could any Man have believed, that *Oats* should dare so impudently to swear a Falshood, and that in a Cause where Life was concern'd; and the Man hang'd upon his Testimony? To what purpose then should his Relations interpose to disprove *Oats*, after his Death? That should not revive him. But you find, there was an Inclination that way; and I wish to God with all my Heart, it had taken effect: For, What says the Old Gentlewoman? As soon as she heard what Mr. *Oats* had sworn, which she knew to be false, immediately she dispatch'd an Express to London, and sent a Petition to the King, That either *Ireland* might have a new Tryal, or his Execution might be Reprieved, till they brought up such Witnesses, as would have made it apparent; and as clear as the Sun, That what this Fellow had testified, was notoriously false. But such, such, I must say, was the Misfortune of the Time we were in, that stop'd the Fountain of Mercy it self, from letting forth its wonted Streams; and even compell'd that Compassionate Prince, rather than he would give any Disturbance to his People, to permit that Execution against his own Inclination, because there was a Verdict, and Judgment in the Case. For, as he was really the Fountain of Justice; so was he of Mercy too. And it is well known to those that had the Happiness to be near his Person, how oft he expressed his Concern, for having consented to this Execution. And this continued with him even to his dying Day, as the business of my Lord of *Strafford* did with his Royal Father.

And, Gentlemen, I chose to mention this Passage concerning his late Majesty, for this Reason, That when we live in such Tumultuous Times, when things are put so hard upon Princes, as to compel them to restrain their Mercy, where they think it due, rather than seek to stop the Course of Justice, this should not be remembered with any Reflection upon them, but with Infamy to those that are the Causes and Grounds of it. When such Prodigious Wretches, as *Oats* and *Bedloe*; for there appears no Evidence before you, but that of these two profligate Villains, who came out of Goals: And after having been guilty of Villanies almost of all sorts, that ever were committed, came to be executed by committing more. And were therefore called, *The Scourge of the Nation*.

The next Objection that is made against the Evidence for the King, is, That they are all Papists; who design nothing but to destroy the Government, and ruin the Protestant Religion. And this must be taken to be the whole Design of all these Persons of Quality and others, that they come to fortify themselves, and damn their Souls to all Eternity, on purpose only to destroy Innocent Protestants. Mr. *Oats*. Alack a day! When, in the same time, I must tell you, if it were necessary, you have about seven or eight Protestant Witnesses of the Church of England, that confirm the Testimony of the rest: Now that we must think, or ought to have any such Conception among us, but that *Roman Catholics*, in point of Law, are good Witnesses, and are to be credited as much as any other Witnesses whatsoever, unless there be some Objection made to them, which would be the same against a Protestant, as a Papist. For there remains a Right in them, and they ought to have equal Credit given to their Testimony,

ay, with those of any other perswasion, if a regular Objection be not started against them. And sure I am, that has been alwayes the Law; and shall be my Practice, while I have any thing to do with the Administration of Justice. Let the sober Party, as they call themselves, make what Reflections they please upon it, or trouble themselves as they will about it; I value them not, nor their Opinion: Let them send as many *Penny-Post* Letters and Libels, as they have a mind to do; two of which I receiv'd last Night, about Yesterdays Tryal. This I am sure of, Lying is as much the Talent and Inclination of a *Presbyterian*, as ever it can be of a *Papist*; Nay, more: For it is as inseparably Incident to a *Presbyterian*, (and such snivling, whining, canting Knaves) to Lye, as to Speak. They can no more forbear Lying, than they can forbear Speaking; for generally, as often as they do the one, they do the other.

Besides, I must Observe to you, with what caution, care, and sobriety, both of Expression and Action, all these Gentlemen and Women have delivered their Testimony, with the greatest tenderness and care, that possibly could be: And as well as they have given it with Caution; so I cannot but put it home to you, Gentlemen at the Bar, to give it its due Consideration.

For though the other Juries did believe *Oats*, and not them at that time; yet that is not to be your measure, because you have not the same reason to do it. Could any Person think, that there should be such Villains upon Earth, as impudently to Swear downright Treason against their fellow-Subjects, if there were no Truth in the Accusation. That was the thing that guided those Juries, who were all of them, no doubts, very honest men; and that was it, which influenc'd the Parliament to do what they did in the matter. For it was morally impossible to be thought, any such Wickedness could be so publicly attempted.

But, God be thanked, the Eyes of all honest and understanding Men are opened. And we see the Fault was in our Credulity; and that these were Fellows should not have been believ'd: And it concerns us, when the Truth has been so debauch'd, and our Credulity so imposed upon, to shew the World our just Resentment thereof.

And this I say to you, Gentlemen, with a purpose to vindicate those Persons, who were Concern'd as Jurors, in the Tryals of all those Causes; because that is the thing much harp'd upon, and aim'd at. That because he was believ'd before, to disbelieve him now, would cast a Reflection upon the Juries; whereas, if that Opinion hold, never will there be any such thing as Perjury detected, so long as the *Sun* and *Moon* endures. For if a Verdict be obtain'd upon false Testimony, and it shall be enough for the Witness to say, I was believ'd at such a Tryal; and therefore pray do not you offer to Prosecute me for Perjury: That would be the finest Doctrine that could be taught, to give a License to destroy all Truths, Justice, and humane Society.

Therefore, I leave it home upon you. Upon your Conscience, do it; for in the Presence of the Great God of Heaven and Earth, that sees all our Hearts, and will Judge us for our inward Thoughts, at the last day; and all these Persons (in number Forty-seven) Guilty of wilful, downright, malicious, and corrupt Perjury, then you must Acquit the Defendant.

For the particulars of the Evidence, which abound in many material Circumstances, in point of Time and Place, I shall run them over as short as I can; and are a mind to you of them; not because I think it extraordinary necessary, as though there were the least doubt of the Fact, but for the Satisfaction of all mankind, that are not under invincible prejudice against the Truth. And I am sure, upon yesterdays Business, there remained not any doubt, with any that heard it, save one, who I know had some share in the Design that was at the bottom of it; and I doubt, was one of those Persons that set this Villain on Work; his Name may be concealed for the present, but a few days will discover it here, or in some other place.

Gentlemen, What Mr. Attorney, or Mr. Solicitor General, or any of the King's Council have said, or what the Defendant has said for himself, is not proved, and manifestly so by Evidence; as to be no Guidance at all to you, who are to go according to the Testimony given to you; for that is pursuant to your Oath, which Oath is the Rule of your Acquittal.

The Witnesses that prove, that he did swear so in both the points in the indictment; I need not mention, they were so full: they tell you, he swore that he was in Town from the *English* to the *Twelth* of *August*; but because he swears upon the *English* at first, there was Caution given him, *He* *is* *to* *be* *in* *the* *English* *at* *first*, *and* *then* *to* *be* *in* *the* *Twelth* *of* *August*. Then comes he to Stabb the business to the quick, and to River it down.

If I cannot be positive to the *Eighth*, I will be positive between the *Eighth* and *Twelfth*. And as to the other point, I did observe before that, because *Redloe* was at a stand upon *Ireland's* denying his being in Town the latter end of *August*, or the beginning of *September*: Therefore comes *Oats* up again, to fix it home; And, says he, I am sure he was in Town the *First* or *Second* of *September*, because he gave me *Twenty Shillings*: That he swore this, is testified by three Gentlemen, who were *Jury-Men* at those Tryals.

Now, that this is notoriously false, false to a title; and as Mr. *Solicitor* does observe, not the least time left to give any sort of Countenance to what he swore, is thus made out to you.

First, You are to take notice, that upon the *Third* of *August*, being *Saturday*, it is sworn by three or four Witnesses, That he went out of Town; and this is not sworn as Mr. *Oats* gave his Evidence, positively, without Circumstances; but they give you an account, how they remember it; because upon the *Wednesday* before, which was a publick day of note among them, and alwayes kept as a Festival in memory of *St. Ignatius*, upon the last day of *July*, as both they and Mr. *Oats* himself do affirm, there went Mr. *Ireland*, Mrs. *Anne Ireland*, and their Mother out of Town to a Friends house to dinner. Mrs. *Ireland* did desire him to stay there all night, as she did. No, says he, I cannot stay all night, because I must go out of Town on *Saturday*, and I must provide things necessary for my Journey: Nay, that is not all; for it goes yet further: Says his Sister unto him, Why do you begin your Journey on a *Saturday*? that is an unpropitious day: Oh! says he, I do it, because I am that night to go to my Lord *Affons* House in *Wiltshire*; where I am to meet with Sir *John Southcoat*, and go down with them into the Country: This does the Mother swear, and the Sister; and then the Maid servant, and the *Taylor's* Wife, do give you another token, That it was *Saturday* the last of *August*, because he had something to be mended in his Cloaths, and stay'd for them; and he was to go out of Town, for he had his Boots on.

There is yet this Circumstance further, wherein those four do all agree, That as he went out of Town the *Third* of *August*, so he did not return till the *Fourth* of *September*; for they say, it was the *Saturday* fortnight before *Michaelmas*, and the same day of the Week that *Michaelmas*-day was of: So that you will find, that there is a constant proof, and as plain a one as any possible can be in the World, as to the time of his going out, and coming home. And where he was in the mean time, proved directly by a great Company of Witnesses, except one day: For you see the *Third* of *August*, he went to my Lord *Affons* at *Stander*: Several there are, that saw him there the *Fourth*, and din'd with him there; particularly, Sir *Edward Southcoat*. And to shew that it is not a thing they are positive in, and swear it roundly without Consideration, they give you an Account of the Reasons of their Knowledge. You are to consider also the Testimony given by my Lord *Affons*, a Person of great Honour and Quality: Says he, Tho' I dare venture all I am worth in the World upon the Truth of it, that *Ireland* did go along with me all the Journey: yet because I did not take such particular notice of the rest of the time, as I did of those two days, I will not take upon me to swear it: If Mr. *Oats* had had the Fortieth part of that Caution in his Evidence, I dare say, you had not had the trouble of this day's Tryal.

The *Fifth*, you have a great many Witnesses, who give you an account, that he came on *Monday* night to *St. Affons* with my Lord *Affons*; there is Sir *Edward Southcoat*, Mr. *John Southcoat*, my Lord *Affons*, the Coachman, and all the Servants. Sir *Edward* tells you, that *Monday* was a hot day, and my Lord *Affons* took him into his Coach; but he rode a Horse back all the rest of the way, and had a fine going horse; which Horse Mr. *John Southcoat* bought of him when the whole Journey was ended. They tell you likewise, upon the *Sixth* and *Seventh* dayes, the very Inns they Lodged at upon the Road; and particularly at *Northampton*, they lay at the *George*, which was Sir *William Farmers*'s House, which was then left to an Inn-keeper, because of the Fire in that Town. And, which is most material of all, for Mr. *Oats*'s satisfaction, you have for these times no less than four Witnesses, that are *Protestants* of the Church of *England*, who give you the same account. There are in all no less in number than *Forty* sworn to this point; and whether you will believe those *Fourteen* to be wilfully perjured without Evidence to the contrary, is left to you: And if they do swear true, Oats that was Yesterday found Perjured, must be Convicted of Perjury again to day. For in short, the Question is, Whether you will believe Persons of Credit, that have no stain upon their Reputation; or Oats that upon plain Evidence, was found Guilty of Perjury Yesterday?

When we come to *Tixhall*, we have no less number, that testify where he was from day to day, and from night to night, to the *Seventeenth*, and from the *Seventeenth* to the *Twenty-sixth*: You have *Fifteen* Witnesses more, all as direct and positive, as can be in the World; Swearing where he was from time to time. It seems he came to *Tixhall* *Thursday* the *Eighth*; there he stayed till *Thursday* following, and then he went to *Holy-Well*; he lay the first Night at *Nantwich*; the next Night at *Holy-Well*, at the sign of the Star, a Notorious Inn there; he came to *Chester* on *Thursday*, and some of the Company left him there, but others came back with him to *Tixhall*; who say, he went away on *Saturday*-morning, which happens to be the *Seventeenth*. And thus you have a full account of him, quite from the *Third* to the *Seventeenth*, beyond all Contraversion, plainly proved by Persons of undoubted Credit. And if he were where they say he was from the *Third* to the *Seventeenth*, How could *Oats* swear true, that he took his leave of him here in Town, between the *Eighth* and *Twelfth*?

Now let us come from the *Seventeenth* to the *Twenty-sixth*, and you have no less than *Fifteen* Witnesses, four whereof are *Protestants*; which I urge not as a necessary qualification to be a Witness, but to answer *Oats*'s Objection, as tho' this was a *Papist* design to destroy him. They have given you an account, where he was from time to time, by convincing Circumstances, which you have heard particularly of one day, that he went to *Litchfield*; one of the Witnesses went with him, and a *Protestant* Witness too; that came back with him again, and supped with him at her Fathers House. The *Apothecary* tells you, the day that he saw him was a *Wake-day*, which is a remarkable time in the Country. You are told of the Funeral of one *Womans* Mother, that made her stay away from *Monday* till *Thursday*: Of another *Mans* Child. I mention them but shortly to you, because I know you have taken Notes of them, and they are only used as instances to manifest the Integrity of the Witnesses, that this was not a thing contrived on purpose to make a story of, but did really happen in the Order they tell it. And I must remember you of another Circumstance; Some of them do swear, that whereas *Oats* had a mind to evade their Testimony by that Question, Whether this was the same *Person* that was Tried? It was most certainly he; for that is made too evidently to appear, by their seeing him Executed at *Tyburn*; I am sorry to say, Innocently.

From the *Third* of *August* to the *Twenty-sixth*, there is not one night, but you hear where he was. And from the *Twenty-sixth* of *August* to the *Seventh* of *September*, you hear where he was at the Horse-Match upon the *Bowling-Green* at *Mr. Hereningshams*, *Mr. Lowes*, *Mr. Gerrards*, *Mrs. Cromptons*, *Mr. Pendrells*, *Mr. Giffords*, and *Mrs. Harwells*: And from the *Seventh* to the *Fourteenth*, save only one day, viz. the *Eighth*, you have a particular account too; and it does not appear by a rambling Evidence, but a Faithful account is given of all the time, save that *Eighth* day; which shews the Caution of the Witnesses. And it cannot but be easily presum'd, he was either at *Tixhall*, or thereabouts, because he was at *Wolverhampton* the *Seventh*; coming to *London* the *Ninth*. How easy is it to imagin him there the *Eighth*, and the rather, because where he was the *Eighth*, is not material to the point in Question before you, but where he was the *First* and *Second*.

And, Gentlemen, If in Case you had a mind to imagine, he was the *Eighth* at *London*; it must be by a strain'd imagination: for you must take him to be at *Wolverhampton* the *Seventh*, and make him Ride Post to *London* that Night, and return Post from *London* the *Eighth* to *Tixhall*, to be ready there early in the morning upon the *Ninth*, to take four dayes Journey back again; or else you cannot give the least countenance to any other imagination, but that he was about *Tixhall* the *Eighth* of *September*.

Well, at *Tixhall* you have him the *Ninth* of *September*; and from thence, you have it testified by all the Persons that came along with him all the way, that he lay one Night at *Coventry*, another at *Banbury*, a third at *Aymondisham*: That he Baited at *Uxbridge* the *Fourth*, which was the *Twelfth* of *September*; and came to *Sir John Southcoats*'s House that Night, being *Thursday*: He stayed there *Thursday* night, and *Friday*; and upon *Saturday* the *Fourteenth* of *September*, *Sir John Southcoates*'s Man went along with him to *London*, whither he Rode upon the Horse he told *Mr. Southcoat*; the Man saw him at his Lodging; and he sayes, they wondred when he came in, that he had stayed so long.

And then we return to the Four Witnesses they began with at first; who makes all this Testimony to stand well together, That he went away the *Third* of *August*, and was never in Town till the *Fourteenth* of *September*: And every Day, but the *Eighth* of

of *September*, which makes nothing to the Business, is particularly spoke to: And he must be there that Day too, except you will put him upon very hard Service, to ride Post to *London*, and back again, in Twenty four Hours; for no other Reason, but only to commit a Treason, that none ever found out but Mr. *Oats*. And, I am sure, if he did, he took a great deal of pains to a very little purpose.

Gentlemen, I have taken up much of your Time, and detain'd you the longer in this matter; because I cannot but say, with grief of Heart, Our Nation was too long befotted; and of Innocent Blood, there has been too too much spilt: 'Tis high time, to have some Account of it. 'Tis a Mercy; we ought to bless *Almighty God*, for that we are prevented from spilling more Innocent Blood! God be blessed, our Eyes are opened; and let us have a Care, for the future, that we be not so suddenly imposed upon by such Prejudices and Jealousies, as we have reason to fear, such Villains have too much fill'd our Heads with, of late.

Gentlemen, 'Tis incumbent upon you, to Try according to the Evidence that has been given, whether the Defendant be Guilty, or Not Guilty. And 'tis incumbent upon us, that sit here as Judges, to see the Law executed, as we will answer it at the Tribunal of the Great Judge of Heaven and Earth, before whom we must appear, and receive our Tryals at the Great Day. And God forbid, but we should use our utmost Endeavours, to inflict the greatest Vengeance, that the Justice of the Nation can permit us to inflict upon such Villains as these are; that have contracted so much Mischief and Reproach upon us, and so much Guilt upon themselves.

Gentlemen, I am sorry, I say, I have kept you so long: 'Tis a Case of such Importance, that I could not but say what I have done in it. There may be other Circumstances arising from the Evidence, which I may have omitted; but were very largely and fully spoken to, by Mr. *Solicitor*. Whatsoever has been forgotten by him, or by me, I am sure, will be sufficiently supplied by your own Observations: For I know you to be Gentlemen of great Knowledge and Experience in Matters of this Nature.

Then the Jury withdrew, to Consider of their Verdict; and, after half an Hours Recess, return'd to the Bar; and, answering to their Names, deliver'd in their Verdict, That the Defendant was guilty of the Perjury whereof he stood Indicted: Which being Recorded, the Lord Chief Justice spoke to the Gentlemen of the Jury, to this Effect.

Lord Ch. Just. Look ye, Gentlemen, because there has been some Notice taken to Day, as there was Yesterday, concerning the Opinions of Judges, about Verdicts that have been given; I would say a Word or two to you: Not that I much admire the doing of it, at any time; nor would I do it now, for your sakes, because, I am sure, you act according to your Consciences, and affect not Commendation: But because it may be necessary, for the Satisfaction of some People, that they should know our Opinions also in this Matter; I must tell you, You have given a Verdict, that becomes your Honesty, Integrity, and Loyalty. And I declare, in the Presence of *Almighty God*, the Searcher of Hearts, That had I been of the Jury, I must have given the same Verdict. Gentlemen, 'Tis an Honest and just Verdict, that you have given; and by it, you have Contributed, as much as in you lies, to vindicate the Nation from the Infamy it has so long lain under.

Mr. Just. Withins. For my part, I think, if you had given any other Verdict, you had found against plain Demonstration; the Evidence was so full and clear.

Mr. Just. Holt. The Court is very well satisfied with the Verdict; and you have acquitted your selves like Worthy, Honest Gentlemen.

Mr. Just. Walcot. There is nothing can be said to the Verdict, but that it is a just Verdict, and according to the Evidence.

And then the Court Arose.

Die Lune, 11 May 1685. Banco Regis.

Dominus Rex versus Oats.

THIS Day Mr. Wallop moved, That in regard the Court were pleased to give the Defendant time till Saturday next, to move in Arrest of Judgment, upon the Conviction on Friday last; they would please to give to the same Day, to move in Arrest of Judgment, upon the Conviction on Saturday, which the Court granted. But afterwards, upon the Motion of Mr. Attorney General, they order'd, That a Note of the Exceptions to both Indictments should be sent to the King's Council, some Days before Saturday.

Die Sabbati, 26 May. Banco Regis.

Dominus Rex versus Oats.

THIS Day being appointed for the Defendant, to move what he could in Arrest of Judgment, upon the Two Convictions of Perjury; he was brought, by Rule from the Prison, to the King's Bench Court. Lord Ch. Just. Mr. Attorney General, Have you any thing to move? Mr. Att. Gen. My Lord, I pray your Judgment upon Oats, who is Convicted upon Two Indictments, for Two notorious Perjuries.

Lord Ch. Just. Who is Counsel for Oats?

Mr. Att. Gen. Mr. Wallop moved for him.

Lord Ch. Just. What is it, that Mr. Wallop has to say?

Oats. My Lord, I desire I may speak one word. It was Thursday Night, before my Attorney could make an end of Examining the Records; Sir Samuel Astry knows it very well: Then I sent the Rule to those Gentlemen, that were assign'd to be my Counsel; and the Exceptions were delivered in but Yesterday. I pray, I may have a Day or two more, that my Counsel may be prepared to argue for me.

Lord Ch. Just. We cannot do that. We gave you beyond the ordinary Rules, in extending it till to Day.

Mr. Att. Gen. My Lord, He talks of Examining the Records. He had Copies of them all this long Vacation.

Oats. My Lord, My Attorney will be ready to make Oath, that he finished the Examining but on Thursday Night.

Lord Ch. Just. We do not know, they were pleaded to the last Term, and you have had all this Vacation, to consider of them: And we have indulg'd you beyond the ordinary Time.

Oats. My Lord, I desire but a Day or two more.

Lord Ch. Just. No, we cannot do it: We have done more already, than we ordinarily do. Persons that are Convicted, use to have but Four Days allowed them, to move in Arrest of Judgment; but you, instead of having but Four Days, have had Eight.

Oats. If your Lordship pleases to give me time till Monday.

Lord Ch. Just. I tell you, We cannot do it. If Mr. Wallop have any thing to say for you, we'll hear him.

Mr. Wallop. I have nothing to say.

Mr. Att. Gen. Here are Four Exceptions delivered to me last Night, as made by Mr. Wallop.

Lord Ch. Just. But he says, He has nothing to say. We know not whose these Exceptions are.

Oats. I do deliver in those Exceptions, my Lord: Pray, let them be read.

Lord Ch. Just. Read them, Sir Samuel Astry.

Cl. of Cr. (Reads:) Dominus Rex versus Oats. The Defendant's Exceptions:

I. That

I. That a Witness, Sworn in the behalf of the King, in a Process of High-Treason cannot be punished for Perjury by the King.

II. That it does not appear, that the Indictments of *Ireland*, &c. found in *Middlesex*, were Legally Transmitted into *London*; and Consequently, all the Proceedings thereupon, were *Coram non Judice*.

III. That the Perjuries assign'd, are in matters Forreign to the Issue.

IV. It is *Resolutio Signat'* in that part of the Indictment, that mentions what the Defendant Swore; and in the Perjury Assigned; 'tis *Resolutio Signat'*; and it is no good Assignment of the Perjury.

Mr. Just. Withens. These are doughty Exceptions indeed.

Lord Ch. Just. Mr. Attorney, What say you unto them?

Mr. Att. Gen. Truly my Lord, I think I need not say much to them; the first Exception is a plain Mistake of the Indictment: For had Mr. Oats been Indicted upon the Statute, it had been something; but at the Common-Law, certainly he may be Prosecuted by the King, though he was Witness for the King before. As to the Second, that it does not appear, *Ireland's* Indictment was well transmitted from *Middlesex* to *London*; that sure is well enough: For after it is Recited, that they were so and so Indicted, it does set forth, that the Tryals were had upon Records, there depending before the Commissioners of Oyer and Terminer, and Jail-Delivery; and it shall be taken, that they were well brought before them. As to the Third Exception, That the Perjuries Assigned are Forreign, to the Matter in Issue; that is not so: For it is apparent, one of the Indictments is in the express Point of the great Treason charg'd against them; that is the Consult of the 24th. of April. And as to the Second Indictment, it appeared upon the Evidence, That there was a treasonable Meeting sworn in August; and he Swore *Ireland* was here in Town in the beginning of August, and in the beginning of September. And then for the Fourth Matter, That he Swore he saw them Sign it; and the Perjury Assigned is, That he did not carry it to be Signed; that receives a plain answer: For we alledge, he falsly and corruptly Swore that he was present; and that he carried the Resolution to be signed, and he saw them Sign the Resolution. Now, in these two things, we have laid the Perjury; 1. We say he was not there. And 2. He carried no such Resolution to be Signed. Indeed, we do not say that he did not see them Signed; nor we need not, for if he were not there, nor did carry it, he could not see them Sign it. There is nothing in the Exceptions, my Lord; and therefore I pray your Indictment.

Lord Ch. Just. Is there any body of Council for Mr. Oats, that will say any thing to these Exceptions?

Oats. I pray, my Lord, that I may have liberty but till Monday, for my Council to prepare.

Lord Ch. Just. No, We cannot do it: Indeed, if there had been any colour or weight in the Exceptions, it might have been something; though we have indulg'd, in this Case already, more than ever we used to do, in Cases of this nature; for it is known to every body, that knows any thing of the Course and Practise of the Court, That after Conviction, no more than four days are allowed to move in Arrest of Judgment; And being the Practise of the Court, it is the Law of the Court; and I am sure, as little favour ought to be shewn in a Case of Perjury, as in any Case whatsoever: But yet, however, because he should not think that the extremity of the Law was aimed at, by the Court in this Case, and he hindred in his legal Defence, the Court did indulge him time, more than is usually granted in such Cases. Now, as for the Exceptions, certainly they are very frivolous.

For the First, It would be admirable Doctrine indeed, in case it should obtain, That if a Man be a Witness in any case for the King, and forswear himself, he should not be Prosecuted for Perjury at the King's Suit: For we know, that no Man can be Prosecuted for his Life, (except it be in Cases of Appeal) but at the Suit of the King; and to be sure, all Prosecutions for Treason, must be at his Suit. If then Witnesses come and forswear themselves, to take away mens Lives, and they should not be called in question for it, Criminally, by the King; That were a fine way to sanctify the greatest Villainy, and make the Process of Law, to become an Instrument of the most infamous Cruelty in the World: I presume, no Gentleman at the Bar would think that an Exception, fit to put his hand to.

Then as to the Second, That the Perjury is not assigned in Points material to the Issue, that is plainly otherwise; for the time must needs be very material, because it was im-

possible, that Mr. Ireland could be Guilty of the Treason sworn against him, at his Chamber in *Russel-Street*, between the Eighth and Twelfth of *August*, if he were not in Town between the Eighth and Twelfth of *August*: Nor could he be privy to the Treason sworn by *Bedloe*, the latter end of *August*, or the beginning of *September*, in *Harcourt's* Chamber, if he were out of Town, from the Third of *August*, till the Fourteenth of *September*; and therefore both those Perjuries were in the very Points in Issue.

And then for the Twenty-fourth of *April*, which is the main Perjury of all; It is not laid in this Indictment, That there was no Consult of the *Jesuites* upon that Day; nor is there any notice taken, That there was no Consult at the *White-Horse-Tavern*; but it says only, that *Oats* did Swear, There was a Consult there, and that he was present at it; and that he saw the Resolution written down by *Mico*, if I do not misremember the Name: And that upon the Twenty-fourth of *April*, he went with it, from Chamber to Chamber, to have them Sign it. And then comes the Indictment, and Assigns the Perjury, *Ubi Revera*, he was not at the *White-Horse-Tavern* that day; and I think it is pretty plain he was not, for he was then at *St. Omers*.

Then admitting all that matter about the Signing of the Resolution, to be out of doors, a plain Perjury assign'd and prov'd. For it was most proper for them to lay it as they did; and so it was in the other Point too, He Swore he carried the Resolution from Chamber to Chamber, and saw it Signed. Now, say they, He did not carry it, from Chamber to Chamber, to be Signed; and if so, then he could not see it Signed; and it will all be well enough sure. And if any one part of the Oath he swore proves false, that is sufficient to maintain this Verdict; and 'tis notoriously plain, it was False throughout.

And of this Matter he now stands Convicted, upon as full and plain an Evidence, as ever was given, in any Case, in the World; and I am sorry, to think, that any Man, who is Guilty of such an Offence, should continue so obstinate, and hardened in Villainy, as he appears to be.

But I think it not amiss for me to say something upon this occasion, for the satisfaction of some that hear me; and for an Example for the future. The Crime whereof this Man stands Convicted, is certainly a very heinous one, attended with such dismal Consequences, that ensued upon it; that I think no Man can have a true Christian Spirit in him, but he must begin to melt, with the Consideration of the great Mischief his Perjury has brought upon himself and us: It has brought the Guilt of Innocent Blood upon many; to be sure it hath on his own head, and I pray God deliver all Men from having any hand in Innocent Blood.

And as the Crime is great, so it is to be known, that a proportionable punishment of that Crime, can scarce by our Law, as now it stands, be inflicted upon him. But that you may see we have considered how to punish it, as such a Crime does deserve: We have consulted with all the Judges of *England*, that if the Law would allow it, he might have such a Judgment for this heinous Offence, as might be proper to terrify all others from committing the like again. For Punishment is not intended only for the sake of the Offender, to reward him according to his deserts; but it has a prospect also of example and terror to all others, that they should take Care, how they offend in any such manner, and that is as considerable a part of the end of the Law as any other.

Gentlemen, It is known, that by the Old Laws of *England*, Perjury was Punished with death; it grew a little more moderate afterwards, not to make the Crime the less, but because of the danger there might be of malice in some revengeful Persons, by endeavouring, by Perjury to Convict others of Perjury. But the next step was cutting out of the Tongue, to shew that the Law in all Ages had an abhorrence of false Oaths, and Punished that impious Crime of Perjury, with the most terrible Punishments.

Since that time, Our Ancestors have yet been more Moderate, and have not extended the Judgment to Life and Member, but by the Unanimous Opinion of all the Judges of *England*, whom we purposely consulted with upon this Occasion: It is conceived, That by the Law, Crimes of this Nature, are left to be Punished according to the discretion of this Court, so far as that the Judgment extend not to Life or Member.

And I tell you this Gentlemen, the rather because I observe our Law-Books are more silent herein, in regard the Judgments for these Offences are not so solemnly and particularly entered up, as they are in Cases Capital: But they are left more discretionary;

tionary ; Because, that Crimes of this Nature may be attended with particular Circumstances, either to aggravate, or lessen the Punishment : And therefore the Punishment might be distributed accordingly.

And for that reason, *Gentlemen*, It is well known to us all, that that was the occasion of taking away the Court of *Star Chamber*, as the Preamble of the Act for taking it away does manifest : That inasmuch as the Authority, for the Correction of all Offences whatsoever, was by the Common Law of this Land, Originally fixed in the Court of *Kings-Bench* ; and the Proceeding by information in the *Star-Chamber*, when it might be by Process in this Court, was lookt upon as a double way of Vexation : Therefore that Court is abolished, and the Authority of the *Kings-Bench* Court left entire. And it is notoriously known, how Punishments, of all sorts and kinds, were inflicted by the Court of *Star-Chamber* for Perjury, and such like Offences, while that Court was up ; and since that time, in *Fox's Case*, and others, that you have heard of, it has been according to the discretion of this Court, Punished, as severely as this Court thought fit, so as the Sentence did not extend to Life or Member.

Now I thought it proper for me, not only for the sake of the Case now before us, but also for your Learning sake, to tell you, This was the Resolution of all the Judges of *England*, upon Consideration of the Precedents, and of all the Rules of Law ; which have been fully debated, and considered of : And this I declare, is their unanimous Opinion.

If then this be so, and it is left to the discretion of the Court, to inflict such Punishment as they think fit ; far be it from this Court, at any time, as on the one side, to inflict Punishment heavier, than the Crimes deserve (no, we would rather use Commiseration, than extraordinary and exorbitant Severity ;) so, on the other side, to let go Crimes so notorious and hainous as these, without the severest mark that can, by Law, be put upon them. When a Person shall be Convicted of such a foul and malicious Perjury, as the Defendant here is, I think it is impossible for this Court, as the Law now stands, to put a Punishment upon him, any way proportionable to the Offence, that has drawn after it so many horrid and dreadful Consequences : We do therefore think fit to inflict an exemplary Punishment upon this villainous Perjur'd wretch, to Terrify others for the future ; which is not my part to pronounce : But what it is, my Brother will tell you.

Mr. Att. Gen. My Lord, You will be pleased to remember, there are two Judgments.

Lord Ch. Just. There are so, we know it very well, Mr. Attorney.

Mr. Att. Gen. That which was Tryed first, was about the Consult on the Twenty-fourth of April ; we desire that some particular mark may be set upon that day.

Then the Judges Consulted a little together ; and Mr. Justice Withins pronounced the Sentence thus :

Mr. Just. Withins. Titus Oats, You are Convicted upon Two Indictments, for Perjury ; I say, for Perjury : I must repeat the word twice, because you are doubly Convicted. One of the greatest Offences, that our Law has cognizance of ; tis so in its own Nature : But your Perjury has all the Aggravations that can be thought of, to heighten it. If a Man kills another with his Sword, and there be fore-thought Malice in the Case, he is to be hang'd for it : But when a Man shall draw Innocent Blood upon himself, by a malicious, premeditated, false Oath, there is not only Blood in the Case, but likewise Perjury, corrupt, malicious Perjury : I know not how I can say, but, That the Law is defective, that such a one is not to be hang'd. For, if we consider these dreadful Effects, which have follow'd upon your Perjury, we must conclude our Law defective : they are such, as no Christian's Heart can think of, without Bleeding for that Innocent Blood, which was shed by your Oath, and every knowing Man believes, and every honest Man grieves for. God be thanked, our Eyes are now opened ; and indeed, we must have been incurably blind, if they had not been opened first by the Contradictions, Improbabilities, and Impossibilities in your own Testimony : but likewise, by the positive, plain, direct and full Proof of Forty seven Witnesses, to one particular Point : Against whom you had not one word to object, but they were *Papists*, and *Roman Catholics* ; which is no Objection at all : Though at the same, it did appear, that Nine or Ten of them were *Protestants* of the Church of *England*. That was all you had to say ; you had not one Word, to justify your self from that great and hainous Perjury you were accused of. I hope, I have not been thought a Man of ill Nature ; and, I

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confess, nothing has been so great a Regret to me, in my Place and Station, as to Give Judgment, and Pronounce the Sentence of Law against my Fellow-Subjects, my Fellow-Creatures: But as to you, Mr. Oats, I cannot say, *My Fellow-Christian*. Yet, in this Case, when I consider your Offence, and the dismal Effects that have follow'd upon it, I cannot say, I have any Remorse, in Giving Judgment upon you. And therefore, having told you my Thoughts shortly, about your Crime, and how readily I Pronounce your Sentence, I shall now declare the Judgment of the Court upon you. And it is this:

First, The Court does Order for a Fine, That you pay a Thousand Marks upon each Indictment.

Secondly, That you be strip't of all your Canonical Habits.

Thirdly, The Court does Award, That you Stand Upon the Pillory, and In the Pillory, here before Westminster-Hall-gate, upon Monday next, for an Hours time, between the Hours of Ten and Twelve; with a Paper over your Head, (which you must first walk with round about to all the Courts in Westminster-Hall) declaring your Crime. And that is upon the First Indictment.

Fourthly, (On the Second Indictment) Upon Tuesday, you shall Stand Upon, and In the Pillory, at the Royal Exchange in London, for the space of an Hour, between the Hours of Twelve and Two; with the same Inscription.

You shall upon the next Wednesday, be Whipt from Aldgate to Newgate.

Upon Friday, you shall be Whipt from Newgate to Tyburn, by the Hands of the Common Executioner.

But Mr. Oats, We cannot but remember, there was several particular Times you Swore false about: And therefore, as Annual Commemorations, that it may be known to all People, as long as you live; We have taken special Care of you, for an Annual Punishment.

Upon the Twenty fourth of April, every Year, as long as you live, you are to Stand Upon the Pillory, and In the Pillory, at Tyburn, just opposite to the Gallows, for the space of an Hour, between the Hours of Ten and Twelve.

You are to Stand Upon, and In the Pillory, here at Westminster-Hall-gate, every Ninth of August, in every Year, so long as you live. And that it may be known what we mean by it, tis to remember, what he Swore about Mr. Ireland's being in Town between the Eighth and Twelfth of August.

You are to Stand Upon, and In the Pillory, at Charing-Cross, on the Tenth of August, every Year, during your Life, for an Hour, between Ten and Twelve.

The like, over against the Temple-gate, upon the Eleventh.

And upon the Second of September, which is another notorious Time, which you cannot but be remember'd, you are to Stand Upon, and In the Pillory, for the space of an Hour, between Twelve and Two, at the Royal Exchange: And all this you are to do every Year, during your Life, and to be Committed close Prisoner, as long as you live.

Thus I Pronounce to be the Judgment of the Court upon you, for your Offences. And I must tell you plainly, if it had been in my Power to have carry'd it further, I should not have been unwilling to have given Judgment of Death upon you: For, I am sure, you deserve it.

Lord Chief-Justice. Mr. Attorney, We will take Care, that the Clerk shall distinguish the Judgments in the Entries.

Then the Prisoner was Taken away.

